



# City of Harrisonburg, Virginia

## Planning Commission Meeting

May 11, 2011

7:00 p.m.

Regular Meeting  
409 South Main Street

- 1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the April 13, 2011 regular meeting.**

- 2) **New Business**

*Preliminary Plat – Lady Slipper Court (2011 Resubmission)*

Consider a request from Gary Bodkin to preliminarily subdivide one, .77 acre parcel into nine townhouse lots. A variance to the Subdivision Ordinance Section 10-2-42 (d) is requested to allow eight of the lots to not front on a public street. The property, zoned R-3, Multiple Dwelling Residential District, is located at 2541 Reservoir Street and can be found on tax map 81-A-12.

*Special Use Permit – Fence Height 231 Sunrise Avenue 10-3-34 (9)*

Public hearing to consider a request from Geraldine Howdysshell and Brandon Howdysshell for a special use permit per Section 10-3-34 (9) to allow fences greater than the height otherwise permitted within the R-1, Single Family Residential District. The 10,512 +/- sq. ft. property is located at 231 Sunrise Avenue and can be found on tax maps 23-B-47 & 48.

*Special Use Permit – 862 North Liberty Street 10-3-97 (10) Rec. Activity*

Public hearing to consider a request from the Waterman Group, LLC, with representative Steve Hill for a special use permit per Section 10-3-97 (10) to allow recreational and leisure time activities within the M-1, General Industrial District. The 2.87 +/- acre property is located at 862 North Liberty Street and can be found on tax map 40-N-40.

*Master Plan Amendment – 2010 Forest Hills Manor*

Consider a request from Forest Hills Manor, LLC to amend their previously approved 68-unit master plan development for a redesigned amendment that would allow a total of 70 units within their master planned community. The property, zoned R-4, Planned Unit Residential District is located along Devon Lane and accessed by Sully Drive and can be found on tax map 92-A-2.

- 3) **Unfinished Business**
- 4) **Public Input**
- 5) **Report of secretary and committees**  
*Proactive Zoning*
- 6) **Other Matters**
- 7) **Adjournment**

Staff will be available Monday, June 6, 2011 at 4:30 p.m. for those interested in going on a field trip to view the sites for the June 8, 2011 agenda.

**MINUTES OF HARRISONBURG PLANNING COMMISSION**  
**April 13, 2011**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, April 13, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, MuAwia Da'Mes, Judith Dilts, Deb Fitzgerald, and Bill Jones.

Members absent: Alan Finks and Henry Way.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with five of seven members in attendance. He then asked if there were any corrections, comments or a motion regarding the minutes from the March 9<sup>th</sup> Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the March 9, 2011 Planning Commission meeting.

Mrs. Fitzgerald seconded the motion.

All voted in favor of approving the minutes. (5-0)

Chairman Jones said before we get started I would like to make a change in the agenda. We are going to move the *Harrisonburg – Rockingham Chamber of Commerce Vision 2020: A Community Vision* presentation ahead of the 2011 *Comprehensive Plan* Public Hearing.

**New Business**

***Ordinance Amendment – Sub. Ord. Section 10-2-61 (Sidewalk Improvements)***

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said staff is proposing to amend the City Code Section 10-2-61. This section of the Subdivision Ordinance outlines some of the minimum improvements required during the subdivision process. Specifically, Section 10-2-61 lists and describes improvements for grading, subgrading, curb and guttering, surfaces, and planting strips. The proposed amendment would add a subsection to help clarify, in particular situations, when sidewalk improvements are clearly required.

The regulation of when and what public dedications and improvements are required during development, redevelopment, and subdivision processes are clear for newly proposed public streets, but for property fronting existing City streets, the ordinance is often difficult to interpret. To be clear, the City defines a subdivision as *the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, any of which are less than five (5) acres in area for the purpose, whether immediate or future, of sale or of building development*. It further states *(1) the division of land for agricultural purposes not involving the establishment of a new street or access easement shall be exempt from these regulations, (2) industrial property shall be developed within the framework of this chapter, and (3) the term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided*. Beyond this, there are two types of subdivisions: minor and major. A minor subdivision is handled administratively and occurs *where a single lot or parcel of land, which consists of five (5) or less acres in gross area, is proposed to be divided into not more than four (4) lots, or where the lot lines of existing lots are proposed to be changed or vacated...provided that such division does not involve*

*any new public street, road or easement of access.* By definition, most minor subdivisions front an existing City street. If a division meets the definition of a "subdivision" but does not meet the definition of being a minor subdivision, it is a major subdivision and must be reviewed and approved by Planning Commission. Once approved, the property owner must final plat the property, which is handled administratively. All variances to these regulations, for both minor and major subdivisions, must be reviewed by Planning Commission and decided upon by City Council.

Taking into consideration the above definition and explanation, if a property owner simply wants to vacate a property line, which occurs frequently, the topic of public dedication and/or improvements becomes a matter of consideration. This is because the Subdivision Ordinance defines such an action as a "subdivision," and if the street on which the parcel is located does not meet certain criteria, both for right-of-way width or regarding physical infrastructure, per the requirements of multiple sections of the same ordinance, the property owner may have to dedicate property and/or build street improvements including pavement, curb, gutter, sidewalk, storm sewer, and/or other enhancements. With that, staff does the best job it can in interpreting the ordinance, being objective and consistent, and enforcing Code intentions regarding public dedications and/or improvements.

It should be understood that subdivisions occur on a frequent basis, and often present unique situations and scenarios. As noted above, the only time subdivisions become a matter of debate and brought to the attention of Planning Commission and decided upon by City Council is when a variance is requested.

In recent discussions among City staff regarding subdivision requirements, it came to our attention that the State Code Section 15.2-2242, Optional Provisions of a Subdivision Ordinance, was revised in 2009 to equip localities with regulatory control in requiring sidewalk improvements in particular situations.

In utilizing the State Code Section 15.2-2242 (9), staff proposes the following language be added to the City's Subdivision Ordinance Section 10-2-61 as subsection (f): *Sidewalks. Where a lot being subdivided fronts on an existing street, and adjacent property on either side has an existing sidewalk, the subdivider shall construct, and where necessary dedicate land for, sidewalk on the property being subdivided to connect to the existing sidewalk, even when no other street improvements are required.*

Staff believes adding this subsection will provide more clarity in determining appropriate dedications and improvements in the described situations and recommends in favor of the amendment.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if there was anyone wishing to speak in favor of the amendment. Hearing none, he asked if there was anyone wishing to speak in opposition of the amendment. Hearing none, he closed the public hearing and asked Planning Commission for comments or a motion.

Mr. Chenault said for a community that is trying to emphasis all forms of transportation, other than automobile transportation, I believe this is a good tool to be used in that regard. Therefore, I move that we recommend approval of the ordinance amendment.

Dr. Dilts seconded the motion.

Chairman Jones said there is a motion to recommend approval and a second. He then called for a voice vote.

All voted in favor (5-0) of the motion.

***Rezoning – 440 South Main Street Proffer Amendment***

Chairman Jones read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Professional. These areas are designated for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District.

The following land uses are located on and adjacent to the property:

Site: Financial institution zoned B-2 Conditional  
North: Joshua Wilton House zoned B-2 Conditional  
East: Campbell Court Apartments zoned R-3  
South: Harrisonburg Elks Lodge zoned R-3  
West: Across South Main Street, Lindsey Funeral Home zoned R-3 and City of Harrisonburg Offices zoned B-1

The applicant is requesting to rezone their B-2C, General Business District Conditional property at 440 South Main Street by amending the existing proffers. Their main interest is to modify proffers regarding signage. The property is located along the eastern side of South Main Street, between Paul Street and Campbell Street.

In June 1991, the subject property was rezoned from R-3 to B-2C. The existing proffers limit the uses of the property as well as regulate building design and layout, signage, and landscaping. Below are the existing proffers, written verbatim:

**I. ACTIVITIES AND USES**

Upon being conditionally rezoned this property shall be limited for use for a financial institution and professional offices as defined in the City Code.

**II. BUILDING**

- A. Height – Two stories above ground.
- B. Location – Fronting on South Main Street.
- C. Access – From South Main Street only.
- D. Architecture – The architecture will be colonial and compatible with the adjoining properties. The exterior of the building will be primarily brick and wood. All mechanical equipment, such as heating and cooling, will be concealed by landscaping or fences.
- E. Signs – All signs will be consistent with the colonial architecture.

**III. GROUNDS**

- A. Parking – Paved parking spaces as required by the City Code located primarily on the eastern and southern sides of the building as shown on the preliminary site plan.
- B. Lighting – All exterior lighting will be directional and focused within the grounds and in keeping with the traditional colonial architecture.
- C. Maintenance – The grounds and shrubbery will be professionally maintained and kept free of trash and litter.
- D. Trees and Shrubbery – As many of the existing trees as possible will be maintained as permitted by the new construction. Shrubbery will be planted as generally reflected on the preliminary site plan.

**IV. SIGNAGE**

- A. Although the B-2 Sign Regulation Ordinance allows a sign height of 35 feet, the sign height will not exceed 10 feet.



- B. Although the B-2 Sign Regulation Ordinance allows approximately 214 square feet of total face area on signage, the total signage face area will not exceed 125 square feet.
- C. Lighting signage will be by indirect illumination; i.e., the signage will not produce artificial light from within itself, but will be opaque and back lighted or illuminated by spotlights or floodlights that are not within the signage itself.
- D. The signage will be of traditional colonial architecture compatible with the architecture of the building as set forth in the original proposed conditions and compatible with the architecture of adjoining properties.

After the 1991 rezoning, the site was developed with a two-story, brick, colonial style building, which housed Black Diamond Bank, and met all of the proffered site development, landscaping, and sign requirements of their B-2C zoning. Since then, the use on the property has continued to be a financial institution.

Earlier this year, a representative of the bank discussed with City staff ideas for re-working the free standing sign along South Main Street. The existing sign structure is the original construction installed in April 1992 and has begun to deteriorate. The applicants would like to change the wooden, colonial structure, set atop a stone base, to a more modern looking, internally illuminated sign. The stone base would remain in place. Staff informed the applicants that the existing colonial style of the sign had been proffered in the 1991 rezoning, thus their desired sign would not be permitted. The bank then decided to amend the proffers as listed below.

I. ACTIVITIES AND USES

This property shall be limited to use for a financial institution and /or professional offices as defined in the City Code.

II. BUILDING

- A. Structure shall be two stories.
- B. Located – fronting on South Main Street.
- C. Access – from South Main Street only.
- D. Architecture is colonial constructed of brick and wood.

III. GROUNDS

- A. Parking – Paved parking spaces as required by the City Code are existing, and configured in compliance of requirements when originally constructed.
- B. Lighting – Existing lighting are directional focused on the parking area and immediate property to limit light “bleed over” onto adjacent properties.
- C. Maintenance – The grounds and shrubbery will be professionally maintained and kept free of trash and litter.
- D. Existing Trees – Maintaining the health of existing trees will be exhibited within reason. Damage due to snow/ice and other natural causes may constitute removal. This will be done only as last resort.

IV. SIGNAGE

- A. A free standing sign will be allowed that is visible from South Main Street. This sign will not exceed 10 feet in total height and 50 square feet. It will be allowed to be internally illuminated with energy efficient LED technology.
- B. A logo sign will be permitted above the front entrance on gable front. This sign shall not exceed 25 square feet and be allowed to be edge lit with energy efficient LED technology.
- C. Directional signage for customer parking and traffic control will be allowed. 4 additional small signs mounted on building surface not exceeding 2.5 square feet each with business hours and customer information will be allowed at the drive through window and by front and rear entrances into building.
- D. ATM will be allowed to have integral name brand logo sign internally lit by LED or fluorescent energy efficient technology. This sign will not exceed 3 square feet.

Staff has reviewed the new proffers and is comfortable with the proposed changes. The proffered use of a financial institution or professional offices remains the same, as do the basic requirements for the building, site layout and landscaping. The most evident proffer changes occur in the allowed signage. The applicant desires to remove the proffer regarding traditional colonial architectural

signs compatible with the architecture of the building; allowing them to install a new sign similar to their other locations. The new free standing sign shall not exceed 50 square feet in face area and 10 feet in height. The total sign face area allowed for the site has been reduced from 125 square feet to 88 square feet, and signs would now be allowed to be internally illuminated. Staff has discussed with the applicant that directional signage will be permitted; however, directional signs cannot contain the bank's logo. Staff feels the proposal is in keeping with the professional uses in the area and supports the proffer amendment request.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant or the applicant's representative to speak.

Mr. Mike Jackson said he is the Facilities Manager for Union First Market Bank and he has brought several color photos of what type of sign the bank is proposing should any one wish to look at them. The monument sign we are proposing is the same design that we have at our 94 other bank locations throughout the state. We would appreciate a favorable consideration for this request so that we would not have one sign which looks different from all the others.

Mrs. Fitzgerald said she had a question for staff. Given the fact that banks change hands relatively frequently, if this institution was sold to another bank and the name and logo would be changed, would the same proffers exist, only it would not have to be the green and white of this bank?

Mrs. Banks replied that the proffers would remain the same, the applicants did not proffer a particular color or name; therefore, if the bank changed to something with blue and white colors it would be acceptable.

Chairman Jones asked if there was anyone else wishing to speak in favor of the proposal. Hearing none, he asked if there was anyone wishing to speak in opposition of the proposal. Hearing none, he closed the public hearing and asked for comments or a motion.

Mr. Da'Mes said I rather like the colonial look of the sign; however, branding is very important to a business. I move to recommend approval of the request with the new proffers as stated.

Mrs. Fitzgerald seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor of the motion to recommend approval of the proffer amendment (5-0).

Chairman Jones said this item would move forward to City Council on May 10<sup>th</sup> with a favorable recommendation.

### ***Harrisonburg – Rockingham Chamber of Commerce Vision 2020: A Community Vision***

Chairman Jones read the agenda item and asked if there was anyone present from the Chamber of Commerce to speak.

Mr. Frank Tamberrino, President of the Chamber of Commerce, said the Chamber has actually been going around the County to discuss the Community Vision with each Town and now the City of Harrisonburg.

Vision 2020 is a community wide initiative to imagine and describe the community we aspire to become in the year 2020. We already have a good place to live; so, we are basically looking at maintaining what we have and making some improvements. We looked at what is a viable community and how do we get there collectively. With the vision process we held three large

meetings; the first being more or less educational. We had experts speak with us from a demographic standpoint and discussed growth of James Madison University to establish ideas that were just setting a tone for what we needed to look at. The two follow-up meetings were more of a workshop base meeting of community leaders. We then formed what we would call a vision statement: "A community of unparalleled quality of life, where natural beauty, friendly interdependent relationships and diverse cultural, economic and educational opportunities exist." This is something that we all feel we have right now in our community and we want to preserve it. The real key to the vision process that we developed was coming up with what we called the cornerstones: Community Planning, Business Vitality and Entrepreneurship, World-Class Education and Workforce, and Community Leadership Development. Along with our four cornerstones we have our goals and strategies listed. The community that figures out the workforce of the future has a built-in advantage over everybody else.

This is a work in progress and what our charge is now is going throughout the community and speaking to all the players, primarily government entities and other civic groups. Basically, what we are asking for is endorsement, concurrence, blessing of, or commitment to working within these principals and working as a group, across political and geographical boundaries.

At this time I would be glad to answer any questions you may have.

Mrs. Fitzgerald commented that she agrees completely with the statement of whoever figures out the workforce of the future has a built-in advantage. I teach in the Community College System with the dual mission of transferring students over to the four year system and into the workforce. That comment is a key. As for the first cornerstone that you mentioned, Comprehensive Community Plan; it is rather ironic that you are presenting right before we, the City, pass through our own Comprehensive Plan. Did your group talk at all about the coordination of this type of comprehensive community planning?

Mr. Tamberrino replied when we started talking about the future and planning, a number of people within the organization said we needed a comprehensive plan. From a technical perspective, we were being told not to use that term, comprehensive plan; it is a technical term that lies within the responsibility of government bodies. Basically, what we are encouraging with this plan is everyone working together.

Mr. Da'Mes asked why keep the language "comprehensive plan" if that is considered a governmental term.

Mr. Tamberrino said the official term is Comprehensive Community Plan; with everyone working together planning for the future. We want to make certain everyone is going in the same direction in terms of education, workforce development, and life-long learning.

Mrs. Fitzgerald added supporting the linkages between the communities too.

Mr. Tamberrino said I am glad you brought that up. There had been some initiatives several years ago by the Shenandoah Valley Partnership and it really did not take off. Everyone agreed to work together; but then everyone had their own territory. We are hoping Vision 2020 is different.

Mr. Da'Mes said the work by the Shenandoah Valley Partnership did create some good initiatives for the community, including job coaches at many of the local high schools. Is Vision 2020 a nationwide program initiated by the Chamber? Or, why was the feeling that it was needed in Harrisonburg?

Mr. Tamberrino said no, this was not nationwide. There have been some vision processes in other localities that were in different situations than we are here. Areas that needed to turn circumstances around. Areas where the population was moving away and they needed to move upward. A vision was the impetus to move forward. From the perspective of local leaders it was not a feeling that we needed to make changes or improvements, but more laying out a roadmap of where we want to be.

Mr. Chenault said when this was before City Council, at first we endorsed it; but, then the thought occurred that perhaps this should be looked at by Planning Commission for review. One of the things that strike me as beneficial about this vision is that the Chamber, in a lot of ways, represents the business community. It is recognition by the business community that planning is important, relationships with other jurisdictions are important, and the value of diversity is important. I think what Council was looking for by sending this to Planning Commission was, hopefully, an endorsement by you, so that they could act upon it. Therefore, I move to recommend that Planning Commission endorse the Vision 2020 plan.

Mr. Da'Mes said what is the value of Planning Commission putting our stamp of approval on this plan? These goals are very general; what is the accountability factor if we endorse this plan?

Mr. Chenault said I guess I disagree. This is not an ordinance amendment; it is just an endorsement of a vision for Harrisonburg/Rockingham, and of goals that I certainly think are important. I congratulate the Chamber of Commerce for spending as much time and energy on this, as I know they have. I find many of these goals and statements to be very consistent with a general outline of what we plan and want for our community. Again, if endorsement is a bad word, we can just say "this is good."

Mr. Da'Mes said are we duplicating what we already say in our Comprehensive Plan? Are we giving special impetus to this plan versus another vision from another group? I do not see the benefit factor.

Mr. Tamberrino said this is a community wide effort – Harrisonburg and Rockingham County. We have a concurrent step going on with this which is the steering committee; we created the steering committee based on these four cornerstones. We have also questioned the accountability factor; we do not want to start something and not have some way to measure what we have accomplished.

Mrs. Fitzgerald said it is obvious that the devil is in the details when you get to implementing ideas, but, it is hard to argue with the general direction that you have set out here.

Dr. Dilts said I am a bit confused and perhaps you can further explain. Under Community Planning you have created a Shared and Unified Vision, but you already have a vision statement. You present your vision statement, but the cornerstone says you would create a vision statement.

Mr. Tamberrino said the vision statement is a very broad statement of how we all would feel about and envision the community in the next ten years. Whereas the Shared and Unified Vision gets more into the details of comprehensive plans, land use, transportation, and so forth.

Dr. Dilts replied you already have something that states your vision.

Mr. Tamberrino said you could view that as an overall vision statement and a sub-vision statement within the cornerstone. I see the first vision statement as the umbrella; whereas, the second statement is more of a sub-set in terms of planning.

Mr. Chenault said perhaps I could reword what I initiated originally to a more palatable characterization of this. Possibly recommend that we are supportive of the Chamber of

Commerce's Vision 2020. That is about as innocuous as I can make it. I am supportive of this vision, both as a private citizen and as a representative of this locality. It is applicable to the entities that the Chamber of Commerce represents, which is primarily the business community.

Mrs. Fitzgerald asked if this required a second.

Mr. Chenault replied I do not know that it does.

Chairman Jones said the direction that this vision is going is positive; however, the scope is so broad on some of these goals. I would like to see a little more description of some of them before I would put the word endorsement on the vision. Supportive I like much better.

Mr. Tamberrino said we can live with supportive. The whole idea of coming and speaking to Planning Commission and Council was to basically share the information that has been put out by the Chamber of Commerce.

Dr. Dilts suggested instead of calling it a vision, why not call it a mission; a mission never changes, it is the core values you hold. Then when you say one of the goals is to create a shared and unified vision it makes more sense.

Mr. Chenault questioned whether Planning Commission was supportive of the Vision 2020.

Chairman Jones asked for a voice vote on supporting the Vision 2020.

All voted to support the Harrisonburg - Rockingham Chamber of Commerce Vision 2020 document (5-0).

### ***2011 Comprehensive Plan***

Chairman Jones read the agenda item and asked staff to comment.

Mr. Fletcher said the State Code requires the Comprehensive Plan be reviewed every five years; this does not mean it has to be updated or amended, just reviewed. Planning Commission reviewed the Comprehensive Plan in 2009 and now, two years later, we are at this point. Here is a quick synopsis of what we did in those two years. In early 2009 this body reviewed the 2004 Comprehensive Plan and determined it was relevant; however, it did need to be updated. In the summer of 2009, City staff updated data and qualitative information in each chapter. During the fall and winter of 2009, as you may recall, Planning Commission held multiple work sessions. Spring of 2010 we held four public input sessions, where we had good public turnout and received lots of feedback. Then, in the summer and fall of 2010 we held more work sessions and updates of the information we received from the public; and reviewed each chapter. In the fall and winter of 2010 staff took all this information and updated chapters. If all goes well, and this body and City Council like what they see, hopefully, the Comprehensive Plan will be adopted and we can begin implementing it.

The organizational structure did not really change that much from the 2004 Plan. Planning Commission, after receiving public input and reviewing that information, decided to make the Education portion of the plan its own chapter. Therefore, you will see the Education chapter and a separate chapter for Arts, Culture, and Historic Resources. The biggest organizational and information change occurred in Chapter 12 and that update was recently given to you after finalization of some of the Public Works and Public Utilities information. There was a title change for Chapter 12 also; it is now titled: Community Infrastructure, Services, Safety, and Health.

Tonight, what I would like to speak on is the demographic information (Chapter 3), the land use recommendations (Chapter 5), some economic data and more housing information (Chapter 6), transportation (Chapter 12), and finally, the implementation strategies in the last chapter.

Mr. Fletcher reviewed population changes from 1960 to 2010, which includes the 2010 census data, as well as 2009 estimates from the American Community Survey. The biggest population change occurred between 1980 and 1990, which was the 1983 annexation; an increase in population of a little more than 11,000. We have projections out to 2020 and 2030 provided in the Comprehensive Plan; a population projection of almost 61,000 is shown for 2030. These graphs also reflect the make-up of the City's population broken down by age groups and sex; here you can see the large student population noted in the age group of 15-24 year olds. Another graph demonstrates household incomes for the City; again the largest bracket, 17%, shows an income of \$15,000 - \$24,000, another reflection of the student population. He then presented data regarding diversity statistics; a comparison between Harrisonburg, Rockingham County, and Virginia. Building permit housing data from the last decade was also shown. Mr. Fletcher said the most obvious change is reflected in 2007-2008 in the multi-family expansion of units. There is also a bit of growth for townhouse development; and a slight decrease for single-family dwellings in this time period.

Mr. Fletcher said this gets us to the changes in the Land Use Guide; probably the largest portion of our efforts and discussions came from changes in the Land Use Guide. At this time Mr. Fletcher reviewed proposed land use changes throughout the City in areas such as Erickson Avenue, Port Republic Road Corridor, Stone Spring Road Corridor, Old Furnace Road - Linda Lane - Country Club Area, Mt. Clinton Pike - North Liberty Street Areas, and Downtown Areas. He continued discussing changes by describing the suggested Urban Development Areas (UDAs). There are three sections proposed as UDAs: the Downtown UDA; the Quarry UDA; and the Port Republic/Stone Spring Roads UDA (these are all unofficial terms). As we discussed last month at our regular meeting, State Code requires a City to designate these areas appropriate for high density development. These areas should be near transportation facilities, public or community water and sewer systems and other developed areas. In these areas we are to promote redevelopment or infill development. These areas could sustain the projected residential and commercial growth for the next ten to twenty years. Generally, the existing zoning in all three UDAs exceeds the requirements; in many ways this legislation was created more for a county area.

This brings us back to our Land Use Guide and the land use percentage breakdown. What is somewhat confusing about this table (Table 5-5, Chapter 5), is we call it the Planned Land Use and obviously many of the areas are already developed. I only want to focus on two land uses, the Low Density Mixed Residential and the Medium Density Mixed Residential, because much of our undeveloped areas within the City fall into these two categories; this is best represented on the Planned Framework Map. The Low Density Mixed Residential is 9.85 percent of the property within the City and the Medium Density Mixed Residential is 4.94 percent of the land within the City.

Mr. Da'Mes interrupted to ask about the recommended strategy of maintaining 40 percent single-family housing and how do these figures fit into that percentage?

Mr. Fletcher replied that the Low Density Residential category shows 15 percent of the City is recommended towards the R-1 zoning classification; but you must remember that single-family, detached dwellings may also be built in R-2, R-3, R-4, R-6, and R-7. Therefore, it is difficult to draw a conclusion on what Table 5.5 means for that 40 percent. Low Density Mixed and Medium

Density Mixed could be argued that both are R-2/R-3 proffered zoning classifications as well as R-6 and R-7 where the City could strive for the 40 percent target.

Mr. Fletcher said this brings us to the transportation component within Chapter 11. We have combined two of the maps (Street Network and Traffic Signal) into one which makes it more comprehensive to the reader. The Street Improvement Map shows the planned improvement across the City and they are broken-up into four different sectors. At this time Mr. Fletcher reviewed some of the proposed changes such as intersection removals and exit ramp improvements for the Port Republic Road/Interstate 81 corridor. The map also shows street extensions onto undeveloped properties, such as in the Ashby Meadows area. Of course the detail of the design improvements has not been worked out, but, as development comes along we are at least drawing attention to developers that these areas need improvements.

Mr. Fletcher said the final items to discuss are the priority implementation strategies; the five year sub-plan things we may want to strive to achieve in the next five years. Strategy 1.6.1 is a land use strategy and it speaks to striving toward appropriate rezonings and appropriate text amendments. Strategy 3.2.2 is to limit rezonings that could lead to home conversions into rental units. Strategy 3.2.4 discusses a rental inspections program and to consider implementing such a program to help improve the safe and sanitary housing for those that may live in rental housing. Strategy 3.3.2 is a design provision to improve residential housing quality. Strategy 3.4.2 is another Land Use strategy to focus on single-family home development. Strategy 8.4.5 to consider street tree and landscaping improvements; we actually have a draft for this and may take it up at some point soon. Next 10.1.4 is a large strategy that is a Design and Construction Standards Manual strategy to focus on reducing traffic volumes, to accommodate all different modes of traffic, and interconnectivity. Strategy 10.2.1 is a Transportation strategy to accommodate all modes of traffic, including transit, bicycle, and pedestrian improvements. Strategy 10.6.1 is to promote mixed and walkable neighborhoods. 14.1.2 is an Economic Development strategy to promote and recruit new businesses. Strategy 15.1.1 is to support the initiatives of Harrisonburg Downtown Renaissance. Lastly, 15.3.1 is to prepare and work with neighborhoods to promote specific neighborhood plans for neighborhood conservation.

If you have questions we will certainly try to answer them, otherwise this is all I have at this time.

Chairman Jones asked if there were any questions. Hearing none, he opened the public hearing and asked if there was anyone wishing to speak in favor of the Comprehensive Plan draft. Hearing none, he asked if there was anyone wishing to speak in opposition of the draft.

Mr. Timothy Jost said I actually do not live within the City of Harrisonburg, I live in Rockingham County. I wanted to speak to a portion of the Comprehensive Plan that deals with Rockingham County; specifically, on page 11-5 of the Transportation chapter and the Street Improvement Plan recommendations with respect to the Northwest Connector, Mt. Clinton Pike, and Virginia Avenue. I am a resident of that area, as well as the Chairman of the Citizens Alliance for Preservation, which is a land use planning organization that claims to serve both Harrisonburg and Rockingham County. We have been very actively involved in the Rockingham County Comprehensive Plan and also various sub parts of their planning process, for example the North Valley Pike Study. We were formed around the opposition to the proposed "loop road" and we try to speak out whenever we see the "loop road" creeping back into planning documents. In this document it says the Northwest Connector would be a new limited access facility extending from Garbers Church Road at West Market and connecting to Interstate 81, exit 251, in Rockingham County. This is one of the

segments of the "loop road". We believe that this route is unnecessary. Also, the widening of Mt. Clinton Pike to a three or four lane facility, all the way to the proposed Northwest Connector is unnecessary. I live in this area and maybe in forty years we will need this type of facility; but right now, I do not think there is any need for it. We are very concerned about the impact on the west side of the County, this is a prime agricultural area and we do not want to see a lot more traffic directed towards this area. I urge you to strike this recommendation from the Comprehensive Plan or leave it there as a very distant future plan. I do not think this recommendation should be pursued as an immediate goal for your planning process.

Mr. Chenault said I believe I can speak to this when I say it will be no time in the future. In fact, Mt. Clinton Pike and Chicago Avenue improvements are much further ahead than the Northwest Connector. We have so many other road needs in the City.

Mr. Jost said what we desperately need is a bike path and sidewalk along Mt. Clinton Pike.

Mr. Chenault replied actually, when we design new roads or improve existing roads, bicycle trails and sidewalks are included in the design. The City's most immediate concern in this area is Chicago Avenue.

Chairman Jones asked if there was anyone else wishing to speak. Hearing none, he closed the public hearing and asked Planning Commission for comments and discussion.

Mr. Chenault said he had something he would like to read into the minutes. At one point in our Comprehensive Plan discussions and review, Planning Commission received a letter from Donald Litten of Litten & Sipe, PC with regard to Mr. Straughen. I think it is important for me to read the State Law that allows me to participate in our decisions as Planning Commission regarding the Comprehensive Plan and this is directly from 22-3115, paragraph H, of the Code of Virginia. As I understand, Mr. Straughen at one time was represented by Donald Litten of the law firm of Litten & Sipe, PC in Harrisonburg, Virginia and I am an employee of the law firm of Litten & Sipe, PC and, I cannot represent anyone, but that law firm could have provided services to Mr. Straughen and I am able to participate in the transaction fairly objectively and in the public interest. Thank you for allowing me to cover that.

Chairman Jones said this will be stated in the minutes. He then asked if there were any further comments.

Mr. Da'Mes said he would like to bring up a couple of things that appear to have remained unresolved. The first being the issue of cell towers, co-location, and so forth; did we ever come to a conclusion on that. Is there anything that we can address within the Comprehensive Plan regarding cell towers.

Mr. Fletcher said it has been talked about and at one time City Council had said for staff to investigate towers, which we did; but, it never came to fruition.

Mr. Da'Mes said that is something that I hope there is more clarification on when it does come before us again.

Mr. Chenault said cell towers are covered in our zoning regulations, it is not like it is not discussed. There are no standards as to whether it must be a monopole, bi-pole, camouflaged, and so forth. One thing that I think the City encourages is co-location, for example the Public Safety Building or the new water tower.



Mrs. Turner said just because towers are not listed out separately in the Comprehensive Plan does not mean that if the Planning Commission wanted to pursue some action or ordinance related to towers you are not able to. Because it was not discussed in the Comprehensive Plan does not mean that no one wanted it to be one of the goals or strategies.

Mr. Fletcher said only in the M-1 zoning classification can you have telecommunications facilities by right; and that is only up to 125 feet. In the B-2 classification you have to get a special use permit. As special use permits we get to offer conditions on such towers.

Mr. Da'Mes said with big box development, as we have discussed before, the restrictiveness of Charlottesville and the leniency of Harrisonburg; where is the happy median for developers, and could Harrisonburg find that median.

Mr. Chenault said I think Mr. Fletcher was alluding to it as kind of a green ordinance type thing. Perhaps it may be something we will be addressing soon.

Mr. Fletcher said I believe what Mr. Da'Mes is talking about is more than just landscaping, street trees, and greening of the building; but more of an architectural review board. Those are specifics that are more design oriented and not so much for a Comprehensive Plan.

Chairman Jones asked if there was any further discussion. Hearing none, he said he would be happy to entertain a motion on the Comprehensive Plan.

Mr. Chenault said he would like to make a motion with great gratitude to staff and his colleagues, that we pass the Comprehensive Plan on to City Council with our favorable recommendation.

Mrs. Fitzgerald seconded.

Chairman Jones said prior to voting on the motion I would like to thank my colleagues as well. Some of you will get to enjoy this process again. He then called for a voice vote on the motion.

All voted in favor of the motion (5-0).

#### **Unfinished Business**

None.

#### **Public Input**

None.

#### **Report of secretary and committees**

Mrs. Banks said before we get into the proactive zoning report I wanted to discuss some policy changes with you regarding enforcement. Beginning with next month's proactive zoning our inspectors will be looking at enforcing sign regulations as well. This is a City wide effort, as zoning inspectors will look at signage on private property, while the Public Works Department is stepping up the enforcement of signage along right-of-ways and within the median strip.

Mrs. Turner said Public Works is focusing on the median and the right-of-way. Our zoning inspectors' recourse is to go after a property owner and we are the owners of right-of-way and medians.

Chairman Jones asked if the time element has been changed once a violation has been cited and notified.

Mr. Fletcher said the sign regulations are actually part of the City Code section on building code and it operates under a different violation rectification method. What we hope this enforcement provides is the correction of the most obvious violations such as banners, the temporary signs, etc. The bad thing is they have 30 days in which to remove the violation and by that time the damage is already done.

Mrs. Turner said generally sign ordinance amendments do not have to come to Planning Commission, they only go to Council. But, Council could be willing to listen if you all have something in mind you wanted to change. We, as staff, could work on something. We have been told by the City Attorney we can treat sign violations as a class one misdemeanor, even though the regulations say we will remove the violation.

Chairman Jones said I think that would be wise.

Mrs. Banks said along with the sign enforcement our inspectors will be looking a bit harder at indoor furniture placed outdoors. The ordinance regarding indoor furniture is regulated through the Public Works Department, if a complaint comes in, our zoning inspectors will follow-up, write a notice of violation; and then, if it is not resolved within ten days, Public Works will have the articles removed. If the zoning inspectors are out on proactive zoning and a property has a couch on the front porch, they will not address it, it is not really junk and discarded materials. Beginning with the next cycle our inspectors are going to become more enforcing on the indoor furniture being placed outdoors, they will not wait for a citizen complaint.

Mrs. Turner reminded everyone that with these changes you will probably see an increase in the total violations; this does not mean that the City is becoming worse in zoning violations.

Mrs. Banks continued, proactive zoning targeted the Chicago Avenue Sector of the City, where they found 29 violations consisting of inoperable vehicles and discarded materials. This area seems to be progressing in the wrong direction. Next month they will be in Pleasant Hill Acres.

#### **Other Matters**

None.

#### **Adjournment**

The meeting was adjourned at 8:50 p.m.



## CITY OF HARRISONBURG

Preliminary Plat

Lady Slipper Court (2011 Resubmission)

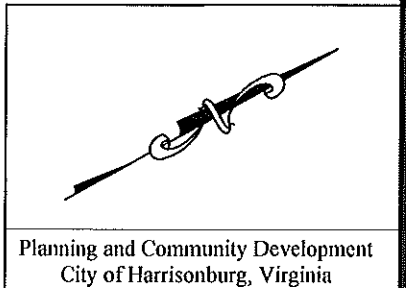
Plat Variance Section 10-2-42 (d)

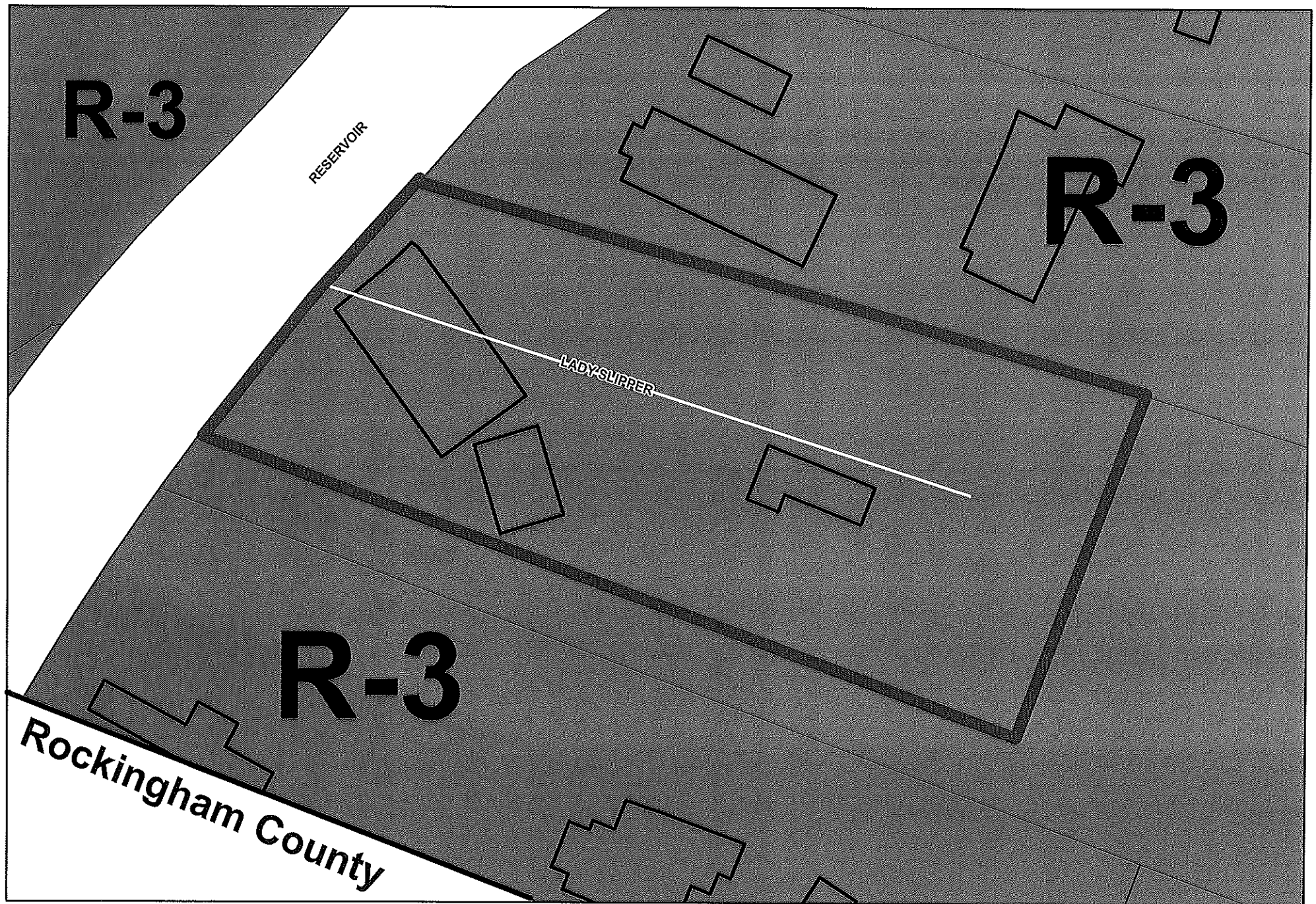
R-3, Multiple Dwelling Residential District

Tax Map: 81-A-12

0.77 +/- acres

**LOCATION MAP**





**Lady Slipper Court - Preliminary Plat**  
**Variance from 10-2-42(d) to not front a public street**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

May 11, 2011

### PRELIMINARY PLAT – LADY SLIPPER COURT

#### GENERAL INFORMATION

**Applicant:** Gary W. Bodkin  
**Tax Map:** 81-A-12  
**Acreage:** .77 acres  
**Location:** 676 – 694 Lady Slipper Court  
**Request:** Consider a request to preliminary plat 9 townhouse lots with a variance to Section 10-2-42 (d) of the Subdivision Ordinance.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Medium-Density Mixed Residential. This designation is intended for small-lot single family detached and single-family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre.

The following land uses are located on and adjacent to the property:

Site: Partially developed townhouse development, zoned R-3

North: Dwelling unit, zoned R-3

East: Undeveloped property, zoned R-3

South: Dwelling units, zoned R-3

West: Across Reservoir Street, single-family home, zoned R-3

#### HISTORY

In September 2005, City Council approved a request to plat 10 townhouse lots on .77 acres of land along Reservoir Street near the City limits. The request, called Lady Slipper Court, included approval of a variance to section 10-2-42(d) of the Subdivision Ordinance, requiring that all lots front on a public street and the dedication of five feet of right-of-way to the City for necessary improvements to Reservoir Street. That preliminary plat expired in September 2006.

City Council approved a revised preliminary plat request for the same project in January 2007. The new plan reduced the number of units from 10 down to nine, included the approval of a variance to allow lots to not front on a public street and a condition that garages could not be converted into



living space. It was also determined that more right-of-way would be needed along this area of Reservoir Street because of proposed changes in the Master Transportation Plan. A total of 90 feet of right-of-way would be necessary for improvements to Reservoir Street to allow for a center turn lane, along with pedestrian and bicycle facilities. Therefore, the applicant proposed a possible future right-of-way dedication of 20 feet and the Public Works Department said the revised preliminary plat provided a sufficient amount of right-of-way for the future widening of Reservoir Street.

On October 2, 2007 a comprehensive site plan for Lady Slipper Court was approved and site work begun. Building permits for the group of first three units were issued in March 2009; these units are completed, however they are not subdivided yet. The approved 2007 preliminary plat for Lady Slipper Court expired in January 2008.

### **EVALUATION**

The applicant is requesting approval of a preliminary plat to subdivide .77 acres into nine townhouse lots with a variance to section 10-2-42(d) of the Subdivision Ordinance, requiring that all lots front on a public street. The site is located along Reservoir Street, at 676 – 694 Lady Slipper Court, near the southern City limits. The applicant proposes a group of three townhouse units close to Reservoir Street and the remaining cluster of six units to the rear of the property.

This request is a resubmission of an expired preliminary plat and it is the exact same, except for one item. Previously, the preliminary plat referred to a possible future 20 foot wide right-of-way dedication. The current plat request indicates that a 20 foot right-of-way dedication is proposed. In August 2010 City Council endorsed the Reservoir Street improvements as part of the Master Street Improvement Plan; thus, affirming that at least 20 feet of right-of-way would be necessary in this area of Reservoir Street. Therefore, if this request is approved, the 20 feet of right-of-way would be dedicated to the City as part of the final plat approval for Lady Slipper Court.

The lot is zoned R-3, Multiple Family Residential District and each unit by right could be occupied by four unrelated individuals. The townhouse units are designed as two and three bedroom units, and each townhome has a single car garage. The approved comprehensive site plan for Lady Slipper Court shows 25 parking spaces, plus the nine garages for a total of 34 parking spaces; eleven more than required. Staff has some concern with the high density, the number of vehicles that could occupy the development, and the fact that no parking is allowed along Reservoir Street; the applicant's willingness to provide the extra parking spaces within the development is appreciated. Staff suggests the applicant provide a restriction within the restrictive covenants for Lady Slipper Court that prevents the conversion of garages into living space.

As mentioned earlier, Lady Slipper Court has an approved site plan and several approved building permits. Currently, most of the infrastructure is in place and three of the nine townhouse units are complete. Staff has a concern with the location of a new fire hydrant along Reservoir Street; within the area to be dedicated as right-of-way. The placement of the hydrant at this location was approved in October 2007 as part of the comprehensive site plan; however, it appears the location may not be suitable when the widening of Reservoir Street occurs. Therefore, the applicant should be made aware that a future easement may be necessary to relocate the hydrant once the Reservoir Street Improvement plans are finalized and approved.

Staff supports the preliminary plat with the variance request.

**Application for Preliminary Subdivision Plat Approval**

City of Harrisonburg, Virginia

Fee: w/o Variance Request \$150.00 plus \$10.00 per lot      Plus fees for TIA reviews where  
 Variance Request \$175.00 plus \$10.00 per lot x 9      applicable (see back for details)

I, Gary W. Bodkin, hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

**Description of Property**

Title of Subdivision: Lady Slipper Court  
 Location (Street Address): 2541 Reservoir St. Sheet: 81 Block: A Lot: 12  
 Total Acreage: .77 ac. Number of Lots Proposed: 9 Zoning Classification: R-3  
 Proposed Use of Property: Townhouse Units

Property Owner's Name: Gary W. Bodkin  
 Street Address: 5819 Beards Wood Lane Email: \_\_\_\_\_  
 City: Harrisonburg State: VA Zip: 22802  
 Telephone: Work 435-6482 Fax \_\_\_\_\_ Mobile \_\_\_\_\_  
                   Home 833-2813

Owner's Representative (if applicable): \_\_\_\_\_  
 Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: Work \_\_\_\_\_ Fax \_\_\_\_\_ Mobile \_\_\_\_\_

Developer: (same as owner)  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Surveyor/Engineer: Brunk + Hytton Engineering - Jerry L. Brunk  
 Telephone: 234-9112 Email: jerry@b-heng.com

**VARIANCES**

NOTE: If a variance is requested, please provide the following information:

I (we) hereby apply for a variance from Section 10-2-42(d) of the City of Harrisonburg  
 Subdivision Ordinance and/or Section 3.10.2.5.4 of the City of Harrisonburg Design and  
 Construction Standards Manual, which require(s):

Curb returns shall not extend beyond side property line.

I (we) believe a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question (See Section 10-2-2 of the Subdivision Ordinance):

The existing entrance extends beyond the side property line. New entrance is in same location, just wider.

The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance, Sections 10-2-1 through 10-2-86. Please read these requirements carefully.

Certification: I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.

Signature: Gary W. Bodkin      Signature: \_\_\_\_\_  
                   Property Owner      Applicant, if different from owner

**See Back for Additional Application Fees Regarding TIA Reviews**

C2  
Δ= 2'01'51"  
R=943.51'  
L=29.90'  
T=14.95'  
C=29.90'  
Ch Br=N41°30'59"E

C1  
Δ= 5'30'38"  
R=929.93'  
L=89.44'  
T=44.75'  
C=89.40'  
Ch Br=N39°46'36"E

- NOTES**
- OWNER & DEVELOPER: GARY W. & VICKIE J. BOOKIN.  
5819 BEARDS WOOD LANE  
HARRISONBURG, VA. 22802
  - TITLE SOURCE: DEED BOOK 2510 PAGE 455.  
TAX REFERENCE: TM 81 BLK A LOT 12
  - THIS PROPERTY IS ZONED R-3, MULTIPLE DWELLING RESIDENTIAL.  
PRESENT LAND USE IS VACANT LOT.  
PROPOSED LAND USE WILL BE TOWNHOUSE UNITS.  
9 LOTS ARE PROPOSED.
  - ADJACENT PROPERTY IS ZONED R-3.  
ADJACENT LAND USE IS RESIDENTIAL.
  - TOTAL PROJECT AREA: 0.77 ACRES.
  - RESERVOIR STREET HAS A 50 FOOT WIDE PUBLIC RIGHT-OF-WAY  
AND HAS 34' STREET WIDTH FACE OF CURB TO FACE OF CURB.  
20' WIDE ADDITIONAL RIGHT-OF-WAY DEDICATION IS PROPOSED.
  - PARKING ANALYSIS  
REQUIRED: 2.5 SPACES PER UNIT = 2.5 x 9 = 23  
PROVIDED: 25 OUTSIDE SPACES @ 9.5' x 18'  
9 INSIDE GARAGE  
34 TOTAL
  - ALL LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER.  
WATER MAINS WILL BE 8".  
SEWER MAINS WILL BE 8".  
WATER AND SEWER SYSTEMS WILL BE IN ACCORDANCE WITH THE CITY DCSH.
  - EASEMENT REQUIREMENTS WILL BE DETERMINED DURING THE CONSTRUCTION  
PLAN REVIEW AND WILL BE FINALIZED PRIOR TO FINAL PLAT APPROVAL.
  - PROPOSED DRAINAGE FACILITIES WILL BE SIZED PER CITY DESIGN AND  
CONSTRUCTION STANDARDS MANUAL (DCSH).
  - STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL WILL COMPLY  
WITH CITY REQUIREMENTS.
  - FUTURE CONVERSION OF GARAGE SPACE TO LIVING SPACE WILL NOT  
BE ALLOWED.

**LEGEND**

—	PROPERTY LINE
—	EXISTING OVERHEAD ELECTRIC AND/OR TELEPHONE
—	EXISTING UNDERGROUND TELEPHONE
—	EXISTING WIRE FENCE
—	EXISTING EASEMENT LINE
—	PROPOSED EASEMENT LINE
—	SETBACK LINE
—	EXISTING 1' CONTOURS
—	EXISTING 5' CONTOURS
—	CENTERLINE OF STREET R/W
—	EXISTING EDGE OF GRAVEL
—	EXISTING SEWER
—	PROPOSED SEWER
—	EXISTING WATER LINE
—	PROPOSED WATER LINE
—	EXISTING STORM SEWER
—	PROPOSED STORM SEWER
—	CURB & GUTTER, STANDARD VDOT C&G
⊙	WATER METER
⊙	EXISTING WATER VALVE
⊙	PROPOSED WATER VALVE
⊙	FIRE HYDRANT ASSEMBLY
⊙	EXISTING MANHOLE
⊙	PROPOSED MANHOLE
⊙	EXISTING UTILITY POLE WITH GUY
⊙	LIGHT POLE
⊙	EXISTING MAILBOX
⊙	EXISTING SIGN
1	REVISION NUMBER

NOTE: THIS LEGEND MAY CONTAIN ITEMS NOT USED ON THIS PROJECT.

LOT 1	6,062 SF
LOT 2	2,057 SF
LOT 3	4,375 SF
LOT 4	5,228 SF
LOT 5	2,175 SF
LOT 6	2,196 SF
LOT 7	2,216 SF
LOT 8	2,237 SF
LOT 9	4,053 SF

**LANDSCAPED AREAS**

0 40 80 FT.

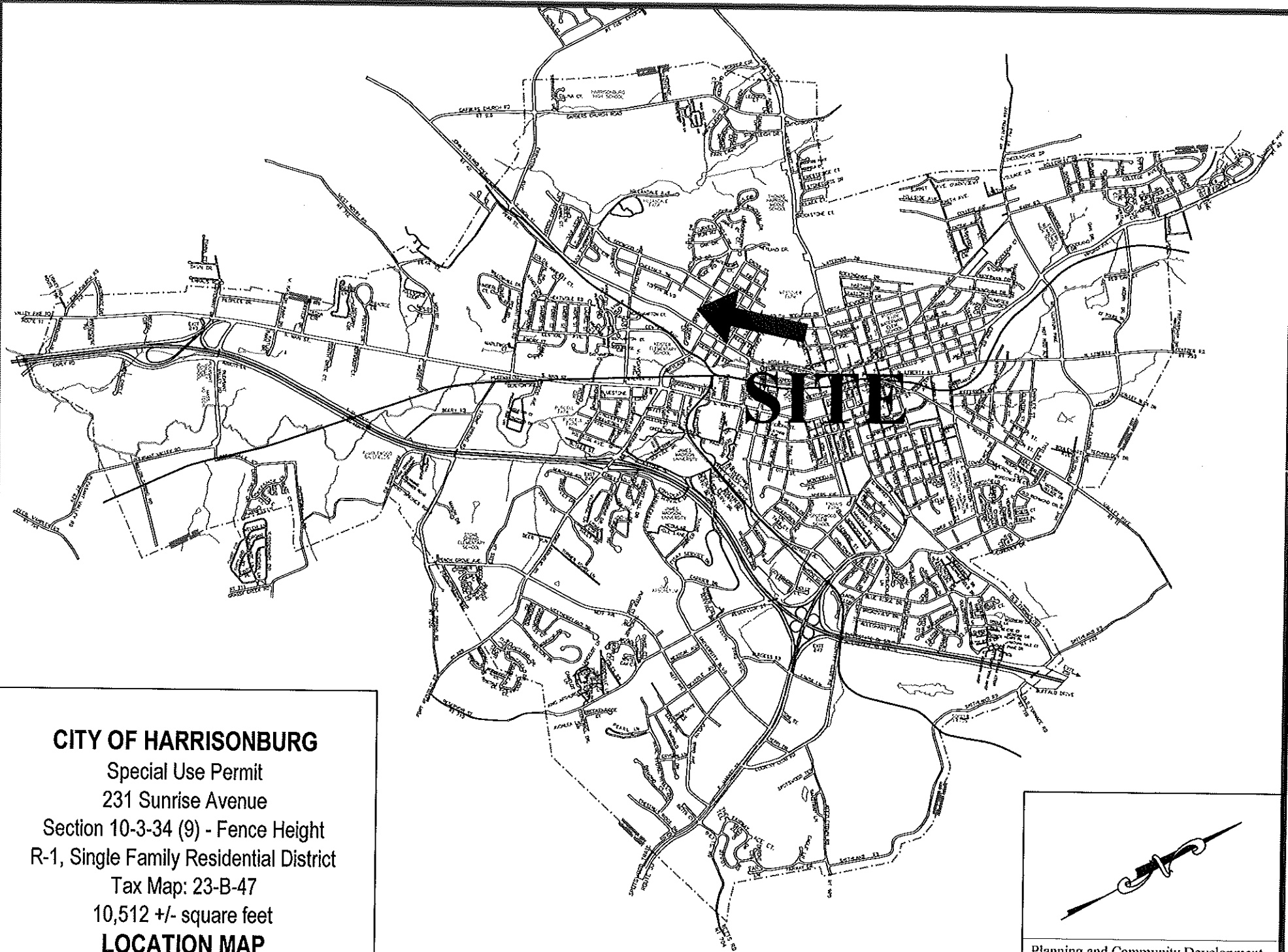
**SITE MAP**

0 2000 4000 FT.

**PRELIMINARY PLAN  
LADY SLIPPER COURT  
2541 RESERVOIR ST.  
CITY OF HARRISONBURG, VA.**

3	05-02-11	CITY COMMENTS	BRANK & HYLTON ENGINEERING, INC. ENGINEERING SURVEYING PLANNING P. O. BOX 7 MEYERS CAVE, VIRGINIA 24486 640 234-9112	DSN: AKH	DWG: AKH	FILE: 00090.pro	PROJ: 00090
2	04-12-11	CHANGE PLAN DATE FROM NOV. 7, 2006					
1	11-30-06	CITY COMMENTS		DATE: APR. 12, 2011	SCALE: 0 20 40 FT.		SHEET 1 OF 1
REV	DATE	DESCRIPTION		PLOTTED: May 2, 2011			





## CITY OF HARRISONBURG

Special Use Permit

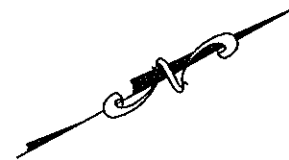
231 Sunrise Avenue

Section 10-3-34 (9) - Fence Height  
R-1, Single Family Residential District

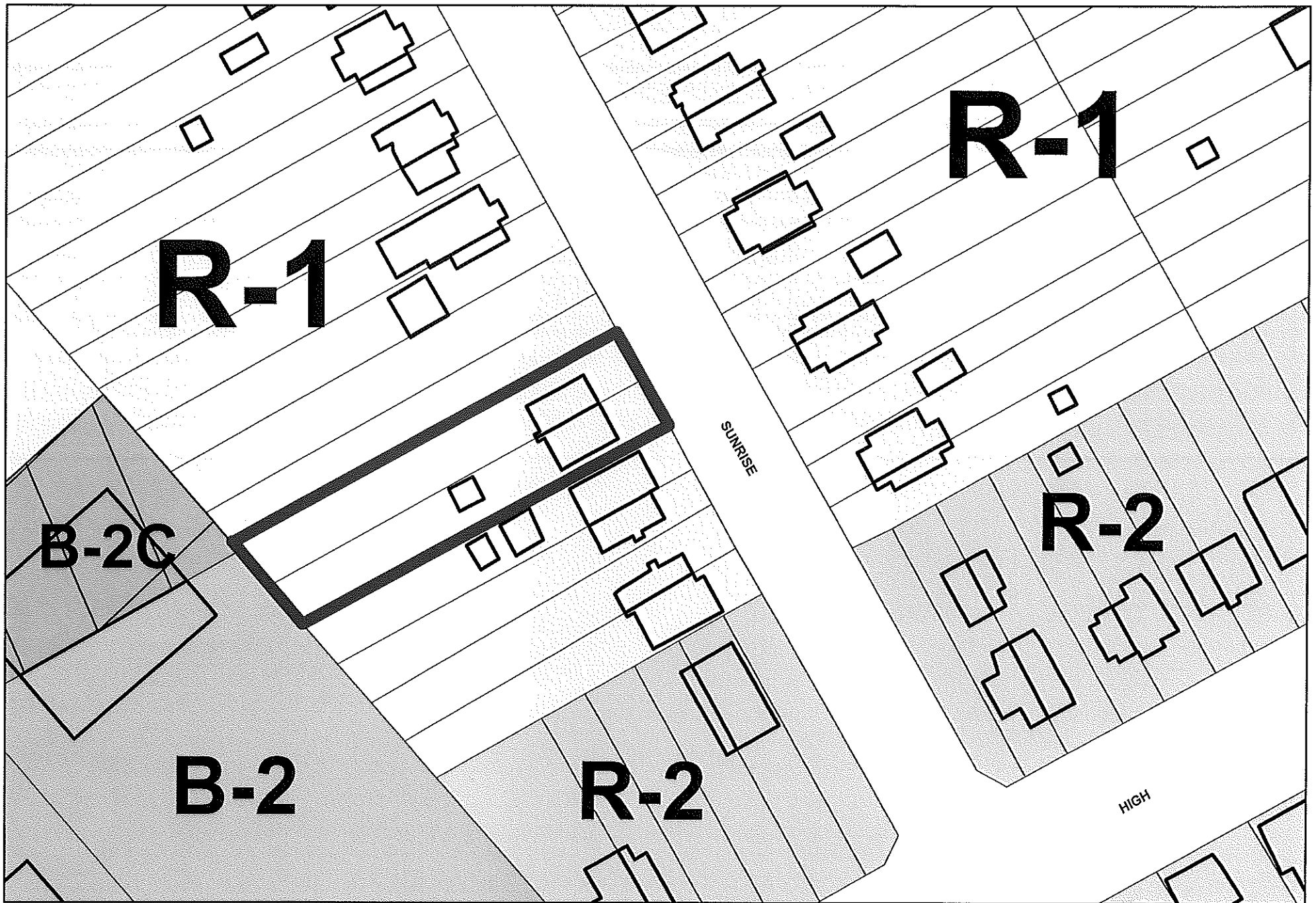
Tax Map: 23-B-47

10,512 +/- square feet

**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



**SUP - 231 Sunrise Avenue**  
**10-3-34(9) Fence Height**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

May 11, 2011

### SPECIAL USE PERMIT – FENCE HEIGHT AT 231 SUNRISE AVENUE

#### GENERAL INFORMATION

**Applicant:** Geraldine A. Howdyshell and Brandon Howdyshell  
**Tax Map:** 23-B-47 & 48  
**Acreage:** 10,460 sq. ft.  
**Location:** 231 Sunrise Avenue  
**Request:** Public hearing to consider a request for a special use permit per Section 10-3-34(9) of the Zoning Ordinance to allow a fence within the R-1, Single Family Residential district to exceed the six-foot maximum height regulation.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Low Density Residential. This designation states that these areas consist of single family detached dwellings with a maximum density of 1 to 4 units per acre. Low density sections are found mainly in and around well established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The following land uses are located on and adjacent to the property:

**Site:** Single-family dwelling, zoned R-1  
**North:** Across Sunrise Avenue, single-family dwellings, zoned R-1  
**East:** Single-family dwelling, zoned R-1  
**South:** Oriental Food Market, zoned B-2 and B-2C  
**West:** Undeveloped building lot and single-family dwelling, zoned R-1

#### EVALUATION

The applicants are requesting a special use permit per Section 10-3-34 (9) of the Zoning Ordinance to allow a fence to exceed the six-foot maximum height requirement. More precise, they would like to construct a fence that reaches twelve-feet in height along the rear of their property, before tapering to a height of five-feet. The site is located at 231 Sunrise Avenue, just west of the intersection of South High Street and Sunrise Avenue.

Located directly behind the subject property is the Oriental Food Market and its associated parking lot. This site was the subject of a 2002 rezoning from R-1, Single Family Residential

District to B-2C, General Business District Conditional. As part of the rezoning approval, the owners proffered that a privacy fence would be constructed at a height of six-feet along the northeastern property line to provide screening between the R-1 zoned homes along Sunrise Avenue and the market. However, after the site grading for the new construction was completed, the topography change was such that the properties along Sunrise Avenue were much lower than the new building and parking facility. Once installed, the proffered six-foot fence now sits lower than the Oriental Food Market development; not providing the intended visual screening for the adjoining residential neighborhood.

The applicants state that persons visiting the market are able to stand in the parking lot and look directly over the fence. Items are thrown into their yard and their pets are often teased and provoked by persons on the commercial lot. The business is usually open until 11:00 p.m., making it difficult to enjoy and entertain within the rear yard of their home.

Because of this, the applicants would like to install a twelve-foot privacy fence along the back portion of their property. The fence would taper along the side property lines from twelve-feet to a height of five-feet, before connecting into the rear of the dwelling. The fence is described as a heavy duty, vinyl fence; solid from ground to top. Prior to installation of the fence, the applicants would need to obtain a building permit. The applicants also propose to install some trees for landscaping around the property.

Staff does not foresee any negative impact in approving this special use permit request. The applicants have discussed the matter with their neighbors and have several letters of support. Staff recognizes the rationale behind this request and believes it would help make a difficult situation more tolerable. Approval of the special use permit is recommended with the following conditions:

1. The special use shall only be applicable to the proposed fence in this application.
2. There shall be no advertising placed on the fence.
3. If in the opinion of Planning Commission or City Council, the fence becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

April 8, 2011

City of Harrisonburg Planning Commission and Harrisonburg City Council,

My name is Geraldine A. Howdyshell, I own the house and property at 231 Sunrise Avenue Harrisonburg, Virginia 22801. My son Brandon Howdyshell, currently resides at this residence with his animal family of four dogs. We are applying for a special use permit and would like to be considered.

Directly behind the house at the mentioned property, which is zoned R-1 residential, is the business Oriental Food Market. When that business was built, they were instructed to install a six foot fence between our properties, which was done. With the lay of the land this puts their parking lot much higher than the top of their fence. This allows store clientele to stand in the parking lot of the Oriental Food Market, yell at the dogs of Brandon Howdyshell, kids to point and shoot cap and BB guns, throwing of food into the yard (marshmallows, ??). This provides a unsafe area for my animal family, guests, and myself. In addition a weekly pick up of trash to consume a Walmart sized plastic bag. Also I feel that I can not go into my backyard or entertain on my deck with privacy and security. With the store remaining open relatively close to the City of Harrisonburg's mandated noise ordinance, I do not have the opportunity to enjoy or entertain due to the wide open space. A prime example of that business clientele invading our privacy was when we were dismanteling a old full size satellite dish, and there was an individual that stood watch as we worked and proceeded to yell down inquiring if he could have the scrap metal from the project. This assures clientele visibility exposure of this backyard property.

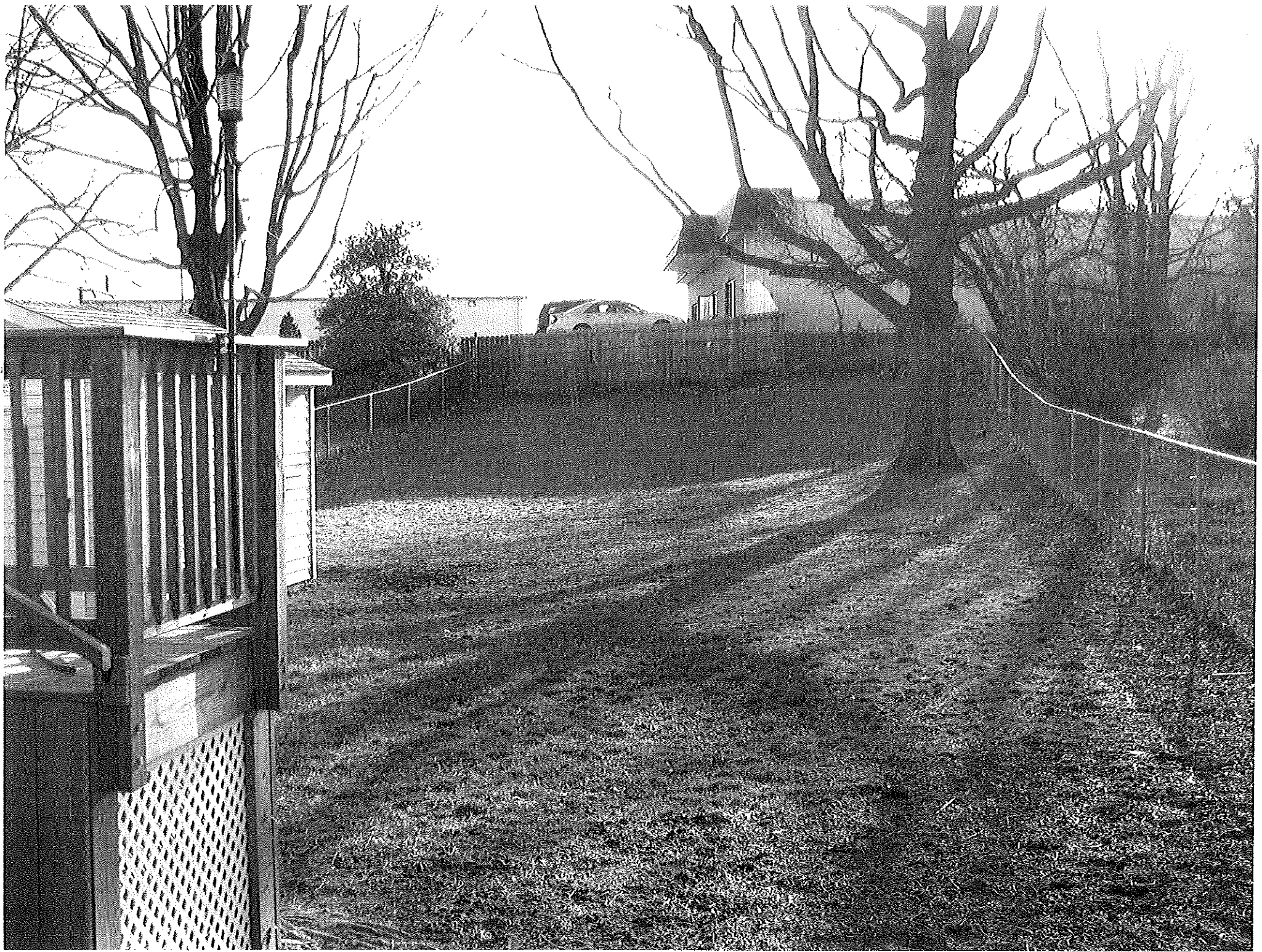
Due to the above issue we would like to apply for a special use permit for a twelve foot fence, which will assure the privacy from a passenger vehicle parked in the businesses parking lot. If our request for a special use permit is approved, this fence will be accented and landscaped with curp appeal of trees. This will keep the trash down and will provide privacy and safety for me, my guests, neighbors, as well as my animal family.

Sincerely,

  
Geraldine A. Howdyshell

  
Brandon Howdyshell







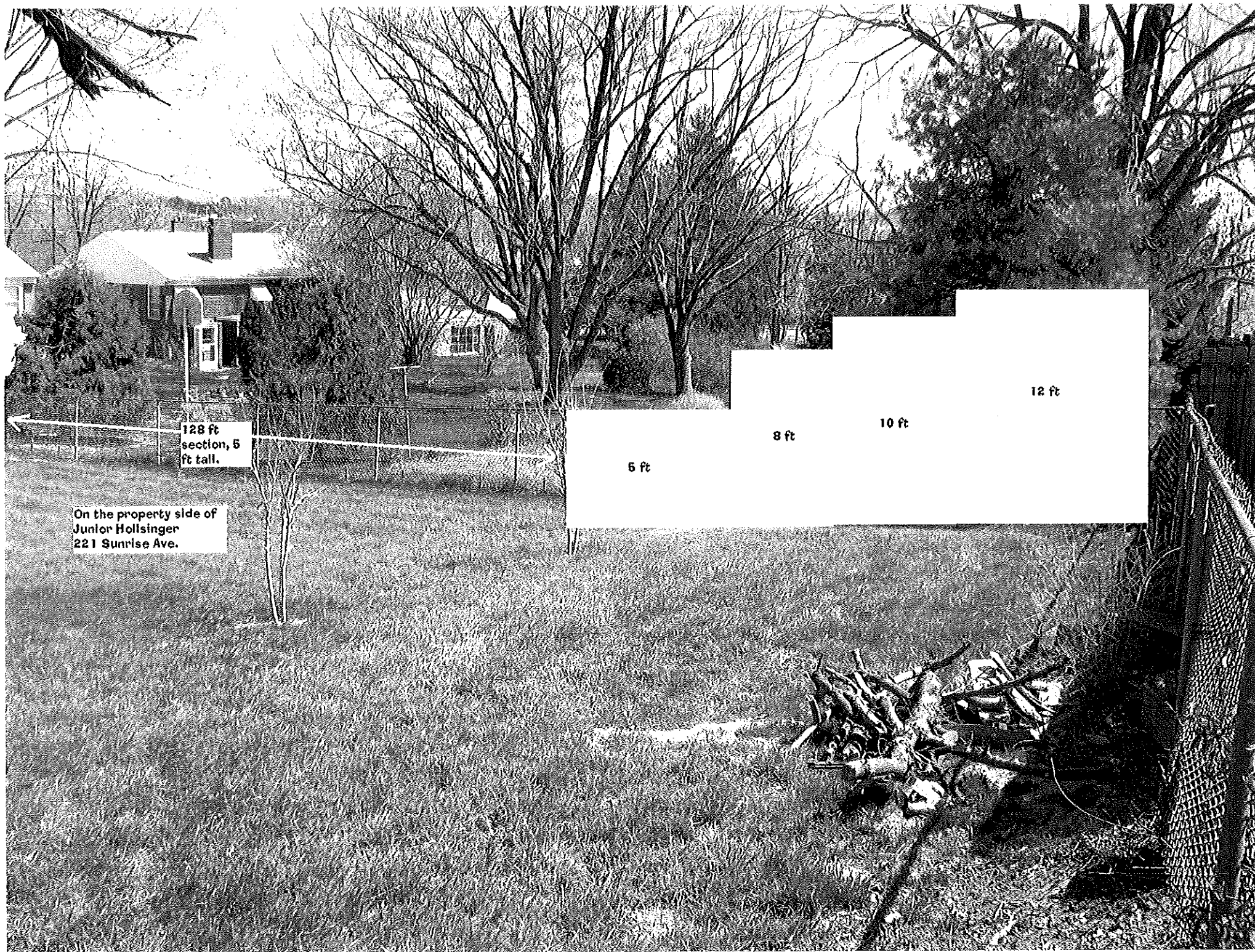












128 ft  
section, 5  
ft tall.

On the property side of  
Junior Hollinger  
221 Sunrise Ave.

6 ft

8 ft

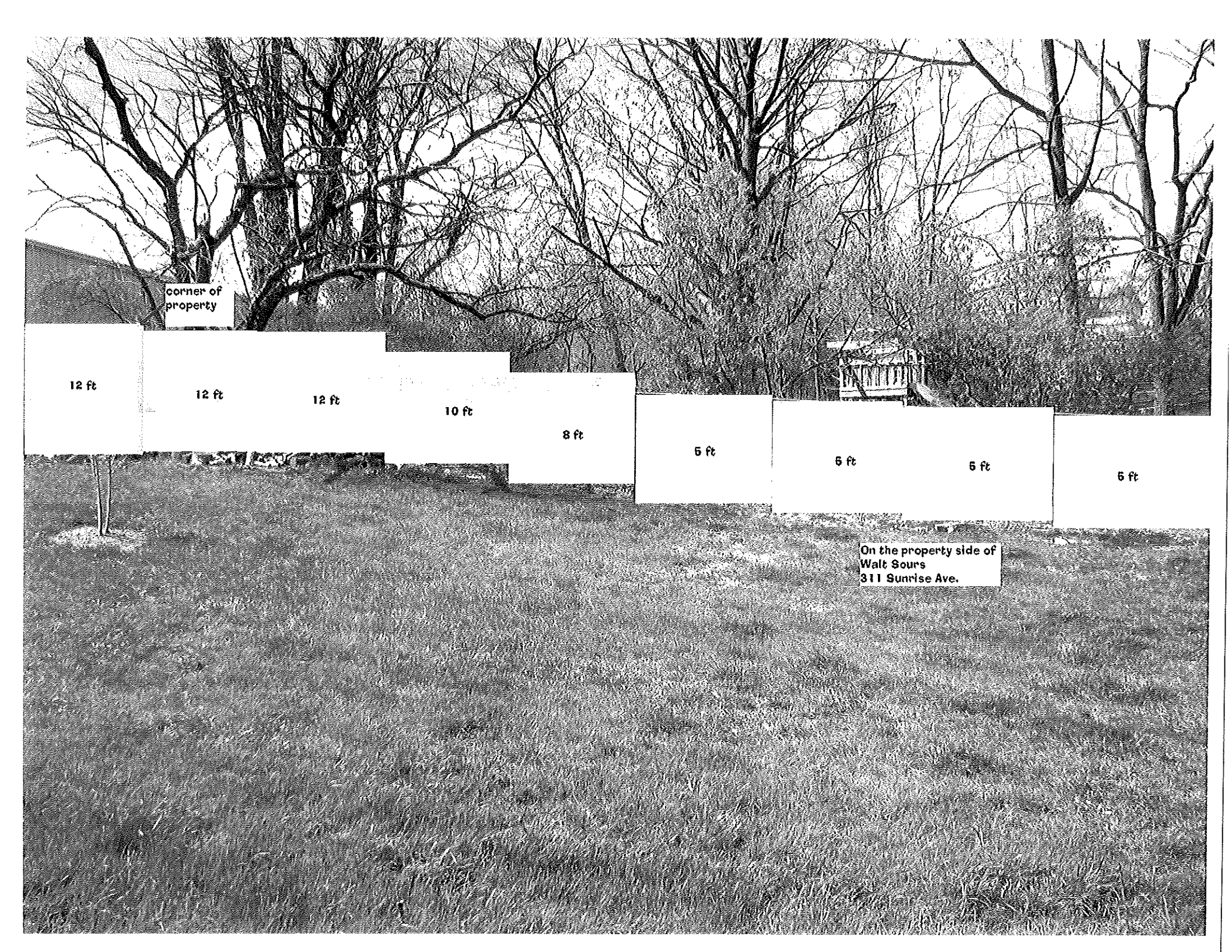
10 ft

12 ft









corner of  
property

12 ft

12 ft

12 ft

10 ft

8 ft

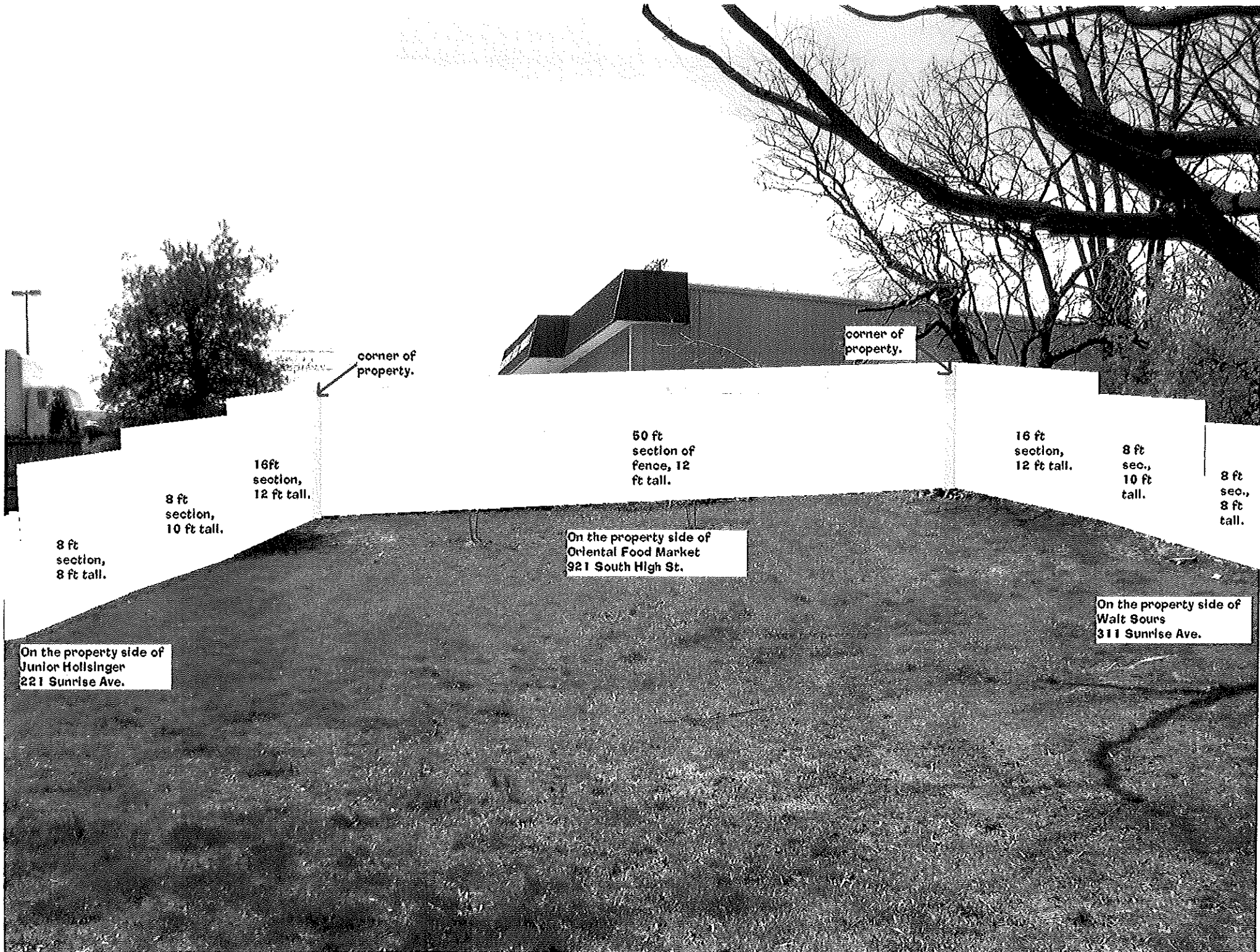
5 ft

5 ft

5 ft

5 ft

On the property side of  
Walt Sours  
311 Sunrise Ave.



corner of  
property.

corner of  
property.

16ft  
section,  
12 ft tall.

50 ft  
section of  
fence, 12  
ft tall.

16 ft  
section,  
12 ft tall.

8 ft  
sec.,  
10 ft  
tall.

8 ft  
sec.,  
8 ft  
tall.

8 ft  
section,  
10 ft tall.

8 ft  
section,  
8 ft tall.

On the property side of  
Oriental Food Market  
921 South High St.

On the property side of  
Walt Sours  
311 Sunrise Ave.

On the property side of  
Junior Hollinger  
221 Sunrise Ave.



BRIDGEWATER, VA

ALEXANDRIA WITH  
PICKET TOP

ALEXANDRIA WITH  
LATTICE TOP

DAYTON, VA

MCRAHYSVILLE, VA

## Privacy

If you're looking for a little peace and solitude in today's busy world, our privacy fences are a great way to re-claim your back yard. They will block those prying eyes, while also reducing noise levels from surrounding areas. The Hampshire, featuring an interlocking privacy panel, offers complete privacy at a great value. The heavy duty Alexandria, with its solid tongue & groove construction, is the highest quality privacy fence money can buy. Either style is available with lattice or picket top options, is available in white, almond, or khaki colors, and comes in heights ranging from 4' to 8'.

March 13, 2011

For City of Harrisonburg Planning Commission,  
City of Harrisonburg Council

I, Brandon Howdysshell am applying for a special use permit from the City of Harrisonburg to erect a 12 ft. white vinyl fence at the back end of my property to block off the Oriental Food Market parking lot. In addition, this fence will be beautified with trees and landscaping.

I plan to erect this fence for my privacy and the protection of my animals. I have found marshmallows, hotdogs and other food items in my yard. Also experienced, has been children pointing BB guns, cap guns into my yard and at my animals. People yelling at my animals, guests and seeing every movement in my yard and surrounding yards.

I am asking for your support in my endeavor by signing this letter. As an end result this should provide privacy, protection and help beautify our community. Thank you.

I support, Brandon Howdysshell by signing this letter,

 at 321 Sunrise  
Ave.

March 13, 2011

For City of Harrisonburg Planning Commission,  
City of Harrisonburg Council

I, Brandon Howdysshell am applying for a special use permit from the City of Harrisonburg to erect a 12 ft. white vinyl fence at the back end of my property to block off the Oriental Food Market parking lot. In addition, this fence will be beautified with trees and landscaping.

I plan to erect this fence for my privacy and the protection of my animals. I have found marshmallows, hotdogs and other food items in my yard. Also experienced, has been children pointing BB guns, cap guns into my yard and at my animals. People yelling at my animals, guests and seeing every movement in my yard and surrounding yards.

I am asking for your support in my endeavor by signing this letter. As an end result this should provide privacy, protection and help beautify our community. Thank you.

I support, Brandon Howdysshell by signing this letter,

Justin Wimpy at 240 Sunrise  
Ave. Q. W. I



March 13, 2011

For City of Harrisonburg Planning Commission,  
City of Harrisonburg Council

I, Brandon Howdysshell am applying for a special use permit from the City of Harrisonburg to erect a 12 ft. white vinyl fence at the back end of my property to block off the Oriental Food Market parking lot. In addition, this fence will be beautified with trees and landscaping.

I plan to erect this fence for my privacy and the protection of my animals. I have found marshmallows, hotdogs and other food items in my yard. Also experienced, has been children pointing BB guns, cap guns into my yard and at my animals. People yelling at my animals, guests and seeing every movement in my yard and surrounding yards.

I am asking for your support in my endeavor by signing this letter. As an end result this should provide privacy, protection and help beautify our community. Thank you.

I support, Brandon Howdysshell by signing this letter,

Walter P. Sowers at 311 Sunrise  
Ave.

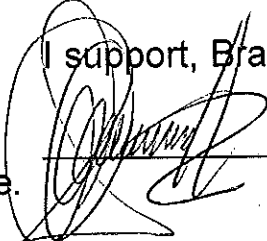
March 13, 2011

For City of Harrisonburg Planning Commission,  
City of Harrisonburg Council

I, Brandon Howdysheill am applying for a special use permit from the City of Harrisonburg to erect a 12 ft. white vinyl fence at the back end of my property to block off the Oriental Food Market parking lot. In addition, this fence will be beautified with trees and landscaping.

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I am asking for your support in my endeavor by signing this letter. As an end result this should provide privacy, protection and help beautify our community. Thank you.

I support, Brandon Howdysheill by signing this letter,  
 MP at 210 Sunrise Ave.  
Ave.

March 13, 2011

For City of Harrisonburg Planning Commission,  
City of Harrisonburg Council

I, Brandon Howdyshell am applying for a special use permit from the City of Harrisonburg to erect a 12 ft. white vinyl fence at the back end of my property to block off the Oriental Food Market parking lot. In addition, this fence will be beautified with trees and landscaping.

I plan to erect this fence for my privacy and the protection of my animals. I have found marshmallows, hotdogs and other food items in my yard. Also experienced, has been children pointing BB guns, cap guns into my yard and at my animals. People yelling at my animals, guests and seeing every movement in my yard and surrounding yards.

I am asking for your support in my endeavor by signing this letter. As an end result this should provide privacy, protection and help beautify our community. Thank you.

I support, Brandon Howdyshell by signing this letter,

Sam Reeves at 226 Sunrise  
Ave.

Date Application Received: 4-12-11

## Application for Special Use Permit

### City of Harrisonburg, Virginia

Fee: \$325.00 plus \$25.00 per acre

Total Paid: \$ 350<sup>00</sup> pd  
(Bank)

Property Owner's Name: Geraldine A. Howdyshell / Brandon Howdyshell

Street Address: 231 Sunrise Ave. Email: howdyb@JMU.EDU.

City: Harrisonburg State: Virginia Zip: 22801

Telephone: Work 434-4612 ~~Fax~~ Home Mobile 908-0984

Owner's Representative: \_\_\_\_\_

Street Address: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: Work \_\_\_\_\_ Fax \_\_\_\_\_ Mobile \_\_\_\_\_

### Description of Property and Request

Location (Street Address): 231 Sunrise Ave.

Tax Map Number Sheet: 23 Block: B Lot: 47/48 Lot Area: 10,460 sq ft

Existing Zoning Classification: R-1

Special Use being requested: 10-3-34(4) Walls & fences to exceed 6ft.

Please provide a detailed description of the proposed (use additional pages may be attached): \_\_\_\_\_

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: Sam Reeves and Justin Wimpey - 226 Sunrise Ave and 240 Sunrise Ave

South: Oriental Food Market - South High St.

East: Saylor (Junior) Holsinger 221 Sunrise Ave

West: Walter P. Sowers 311 Sunrise Ave

**Certification:** I certify that the information contained herein is true and accurate.

Signature: Geraldine A. Howdyshell  
Property Owner

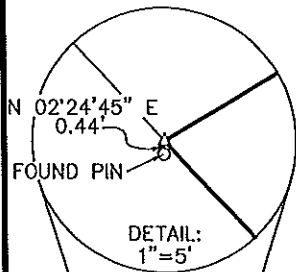
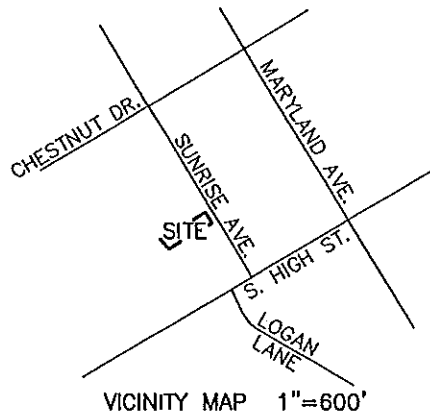
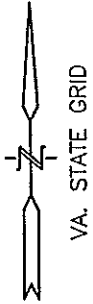
### ITEMS REQUIRED FOR SUBMISSION

- ☒ Completed Application
- ☐ Site Plan
- ☐ Description of Proposed Use
- ☐ Adjacent Property Owners

- ☐ Fees Paid
- ☐ Property Located on Tax Map
- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

APRIL 18, 2011  
SCALE: 1"=40'

Δ = POINT  
\* \* = FOUND IRON PIN

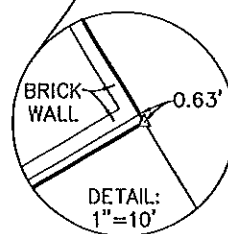
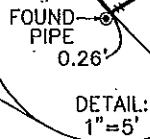


LOT 46  
TM 23-B-46

N 59°25'54" E 215.89'  
215.81'  
10,460 SQ. FT.  
(0.240 AC.)

LOT 47  
TM 23-B-47  
LOT 48  
TM 23-B-48

LOT 49  
TM 23-B-49



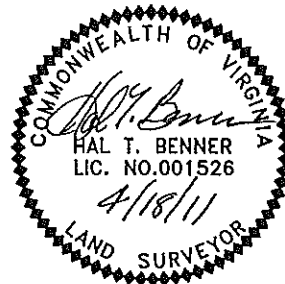
NPK, L.L.C.  
DB 2367/600  
TM 19-C-10

THIS BOUNDARY SURVEY IS BASED  
ON A CURRENT FIELD SURVEY.

# BOUNDARY SURVEY OF LOTS 47 & 48, BLOCK 4, CONRAD-REHERD ADDITION

CITY OF HARRISONBURG, VIRGINIA

**BENNER & ASSOC., INC.**  
8 PLEASANT HILL ROAD  
HARRISONBURG, VA 22801  
540 434-0267  
REF# 032911  
DRAWING: 032911.DWG





**Benner & Associates, Inc.**

8 Pleasant Hill Road  
Harrisonburg, Virginia 22801  
(540) 434-0267

Metes and bounds description of a 10,460 square foot lot located at 231 Sunrise Avenue, Harrisonburg, Virginia.

Beginning at a point on the southwestern side of Sunrise Avenue, a corner to Lot 46, Block 4, Conrad-Reherd Addition; thence with said side of Sunrise Avenue

**S 30°59'59" E          50.00 Feet**

To a point 0.63 southeast of the corner of a brick wall; thence with Lot 49 of said Conrad-Reherd Addition

**S 59°36'54" W          205.37 Feet**

To a point in the line of NPK, L.L.C. lands, said point being located 0.26 feet northeast of a found pipe; thence with the line of NPK, L.L.C. Lands

**N 43°00'57" W          50.53 Feet**

To a point; said point being located N 02°24'45"E 0.44' from a found pin;; thence with aforesaid Lot 46, passing a found pipe on line at 215.61 feet

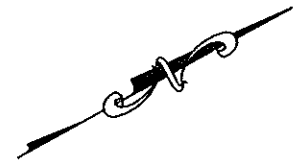
**N 59°25'54" E          215.89 Feet**

To the beginning and enclosing an area of **10,460 Square Feet (0.240 AC.)**.



## CITY OF HARRISONBURG

Special Use Permit  
862 North Liberty Street  
Section 10-3-97 (10) - Recreational Activity  
M-1, General Industrial District  
Tax Map: 40-N-40  
2.87 +/- acres  
**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



**SUP - 862 North Liberty Street**  
**10-3-97(10) Recreational & Leisure Time Activities**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

May 11, 2011

### **SPECIAL USE PERMIT – 862 NORTH LIBERTY STREET 10-3-97 (10) RECREATIONAL AND LEISURE TIME ACTIVITIES**

#### **GENERAL INFORMATION**

**Applicant:** The Waterman Group, LLC with representative Steve Hill from Hill Group Properties  
**Tax Map:** 40-N-40  
**Acreage:** 2.87 +/- acres  
**Location:** 862 North Liberty Street  
**Request:** Public hearing to consider a request for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow a recreational and leisure time activity within the M-1, General Industrial District.

#### **LAND USE, ZONING, AND SITE CHARACTERISTICS**

The Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities.

The following land uses are located on and adjacent to the property:

**Site:** Former Pilgrim's Pride processing facility, where part of the building is used by Finders Keepers as warehousing space and other portions are vacant, zoned M-1  
**North:** Across Norfolk Southern rail lines and North Liberty Street, industrial uses, zoned M-1  
**East:** Across Norfolk Southern rail lines, property owned by the City and utilized by HEC, zoned M-1  
**South:** Dwelling units, zoned R-2, Minnick Education Center (with approved SUP for educational use), and G&W Ambulance Services, zoned M-1  
**West:** Across North Liberty Street, non-conforming dwelling units, zoned M-1, and dwelling units, zoned R-2

#### **EVALUATION**

The applicants are requesting a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow recreational and leisure time activities within the M-1, General Industrial District. Specifically, the applicants would like to utilize approximately 7,000 square feet of vacant space within the former Pilgrim's Pride processing facility at 862 North Liberty Street for an exercise/training facility related to mixed martial arts (MMA).



The individuals interested in utilizing this space would like to relocate the existing business, currently known as Rival Fitness Club and MMA Institute, from 1000 South High Street to the subject property. In April 2008, a special use permit was approved by City Council to allow the exercise/training facility to be located in a warehouse portion of the building at the South High Street address. Upon recommendation by staff and Planning Commission, City Council approved the application with the condition that the permit be granted only for a training/exercise facility.

For the current request, staff met with the individuals interested in operating this facility and explained that if the special use permit were approved, they would be required to obtain a change of use permit and other building permits as necessary. During the building permitting process, staff would ensure that all parking requirements have been met for all uses on site. As part of this special use permit application, a parking layout was submitted and is provided within your packet that demonstrates parking spaces could be provided for the proposed and current uses onsite.

Staff has no concerns regarding the proposed use at this location. The property is located within a transitional area of the City, where residential, business, and small-scale industrial uses have co-existed for some time. Staff also believes this a good re-use of this space. Furthermore, although the existing Land Use designation per the 2004 Comprehensive Plan is General Industrial, this property is one of several properties that staff and Planning Commission has recommended for a Land Use designation change within the Draft 2011 Comprehensive Plan. Arguably, the proposed use would already be in conformance with the existing Comprehensive Plan, but if the draft Comprehensive Plan is approved as was recommended, this property's designation would change from General Industrial to Planned Business and the proposed use would be more in keeping with the desired uses for this area.

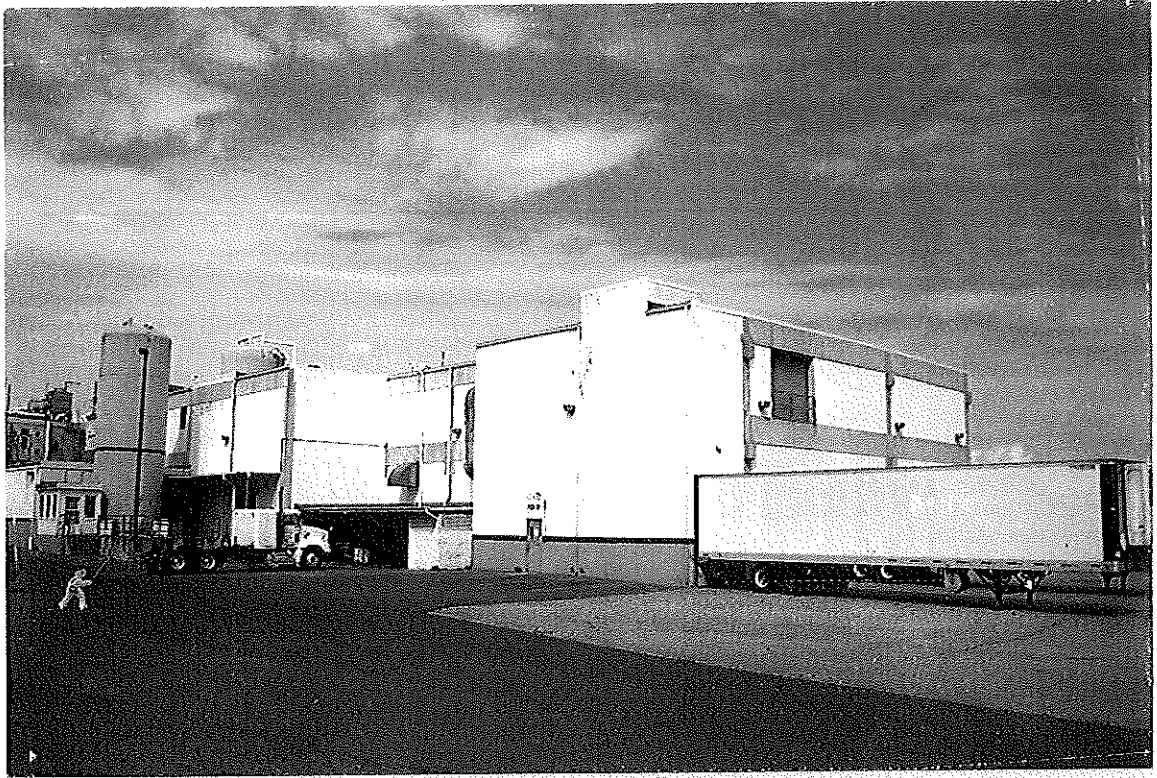
Approving the application as presented would open up the possibility for other recreational and leisure time activities to operate on this site without a public hearing and without further review by staff. Thus, staff recommends the same condition be attached to this application as was placed on the permit at the businesses current facility, which is that the permit be granted only for a training/exercise facility that operates similarly to the proposed use.

Staff recommends in favor of the special use permit with the above stated condition.

We are going to be operating a martial arts and fitness center. We offer classes which teach self defense, judo, freestyle wrestling, Muay Thai, Greco Roman wrestling, jiu-jitsu, boxing, kickboxing, Sombo, Tae-kwon-do, and submission wrestling. We offer classes to adults and children as young as the age of five and we are planning to teach to a younger age group in the future.. We will be teaching adults on different skill levels such as beginner, intermediate and advanced, to build self-confidence and skill sets from day one and continuing for years to come. For members who chose to do so can compete in various competitions in including jiu-jitsu tournaments, boxing matches, kickboxing, Muay Thai, wrestling, and mixed martial arts. For the members who compete there is an opportunity for financial gain for themselves through teaching, professional competitions and sponsor endorsements. These classes have had positive effects on many of our current members, such as weight loss, increased self-confidence, increased self-control, and giving them a positive outlook and drive in their lives. This keeps many of our younger members out of trouble.

The fitness classes also offer great benefits including, weight loss, strength gain, cardiovascular improvements, mental strength, endurance, flexibility, and balance. The classes we offer are unique due to our untraditional workouts. Our fitness classes are group classes that use untraditional and traditional exercises and equipment including free weights, kettle bells, medicine balls, tractor tires, sledge hammers, a rock wall, jump ropes, treadmills, row machines, stationary bicycles, climbing ropes, resistance bands, heavy bags, body weight exercises, jump boxes, stability balls, and the Perfect Push-up handles. Our classes combine exercises to build strength with exercises that increase cardiovascular and endurance abilities. We do both individual and partner workouts. We workout as a team, which keeps members motivated. We have found that our strength and conditioning classes produce the results most people are looking for in a fitness program, and keep improving our members' fitness levels where a lot of programs cannot continue to give results.

We are unique to the area with all the different types of instruction we offer. We feel there is not another facility that teaches both martial arts and fitness on the level that we offer. We are so confident in our product we offer a free trial and most people who try it want to continue to train with us. With our move to this new building we plan on growing and creating opportunities for more members of our community to improve themselves and their quality of life.



862 N LIBERTY ST



REAL ESTATE

streams

BASE FLOOD ELEVATIONS

100 YEAR FLOOD BOUNDARY

500 YEAR FLOOD BOUNDARY

FLOODWAY

Storm Drains

Storm Pipes

railroad

EXISTING

REAL ESTATE

New and Proposed Development

Parks

40 N 40 (1)

REAL ESTATE (1)

Tax Map Number	Zoning	Physical Address	ZIP_CODE	DEEDBOOK	Voting Precinct	School District	Annexation Date	Fire Inspection District	Private Street	Subdivision Name	Common Area	Account Number	Current Owner	Additional owner	Mailing Address	City of Residence	zipcode	year	ac
40 N 40	M-1	862 N LIBERTY ST	22802	3020/541	WATERMAN ELEMENTARY SCHOOL	WATERMAN ELEMENTARY	1870	2				040 N 40	THE WATERMAN GROUP LLC		44 WATERMAN DR	HARRISONBURG VA	22802	2010	2.8

Copyright  
Map Data by the Harrisonburg Department of Planning and Community Development  
Aerial Imagery © 2006 Commonwealth of Virginia





[illegible]

SCALE: 1" = 100'

**FINDERS KEEPERS**  
3 EMPLOYEES - 1 SPACE PER EACH 2 EMPLOYEES;  
3 TRUCKS - 1 SPACE PER TRUCK  
TOTAL REQ'D: 5 SPACES

MIXED MARTIAL ARTS STUDIO  
OCCUPANCY BASED ON 1 PERSON PER 100 SF;  $7,000 / 100 = 70$  PERSONS / MEMBERS; 1 SPACE  
PER 10 MEMBERS;  
TOTAL REQ'D: 7 SPACES  
GRAND TOTAL REQ'D = 12 SPACES  
TOTAL DESIGNED = 39 SPACES (2 ADA (1 VAN))

HANDICAP SPACES SHALL BE MARK WITH VERTICAL SIGNAGE PLACED 60" ABOVE FINISHED SIDEWALK/PAVEMENT AS REQUIRED BY ADA REGULATIONS.

# ENGINEERING SOLUTIONS

**& CONSTRUCTION  
MANAGEMENT, PLC**



**HILL GROUP PROPERTIES**  
MASSA NUTTEN STREET  
HARRISONBURG, VA 22802  
SCALE: AS NOTED  
12 APRIL 11  
**1.0**

Apr.08.2011 10:42

PAGE. 1/ 1

Date Application Received: \_\_\_\_\_

### Application for Special Use Permit

City of Harrisonburg, Virginia

Fee: \$325.00 plus \$25.00 per acre

Total Paid: \$ 400.00 AF

Property Owner's Name: The Waterman Group LLC  
 Street Address: 44 Waterman Dr Email: \_\_\_\_\_  
 City: Harrisonburg State: VA Zip: 22802  
 Telephone: Work \_\_\_\_\_ Fax \_\_\_\_\_ Mobile \_\_\_\_\_

Owner's Representative: Steve Hill  
 Street Address: 1093 Weavers Rd Email: steve@hillgroupproperties.com  
 City: Harrisonburg State: VA Zip: 22802  
 Telephone: Work 540-271-1038 Fax \_\_\_\_\_ Mobile 540-271-1038

#### Description of Property and Request

Location (Street Address): 862 N Liberty StTax Map Number Sheet: 40 Block: N Lot: 40 Lot Area: \_\_\_\_\_Existing Zoning Classification: M-2Special Use being requested: recreational and leisure activity - mixed martial arts studio and training center

Please provide a detailed description of the proposed (use additional pages may be attached): \_\_\_\_\_

#### Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: F&S LLC 8174 Eden Valley Rd, Hburg, VA 22802  
 South: SWK Land LLC 750 Massanutten St Hburg VA 22802  
 East: City of Harrisonburg Sullivan - Public Utilities  
 West: Massanutten St LLC 2609 McVitty Rd Roanoke VA

Certification: I certify that the information contained herein is true and accurate.

Signature: Sue M. Farley  
Property Owner

#### ITEMS REQUIRED FOR SUBMISSION

- ☐ Completed Application  
☐ Site Plan  
☐ Description of Proposed Use  
☐ Adjacent Property Owners

- ☐ Fees Paid  
☐ Property Located on Tax Map  
☐ \_\_\_\_\_  
☐ \_\_\_\_\_

2401 8



## CITY OF HARRISONBURG

Master Plan Amendment

2011 Forest Hills Manor

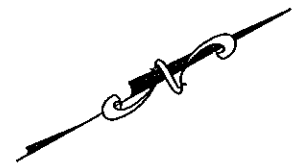
Located Along Devon Lane and Accessed

by Sully Drive

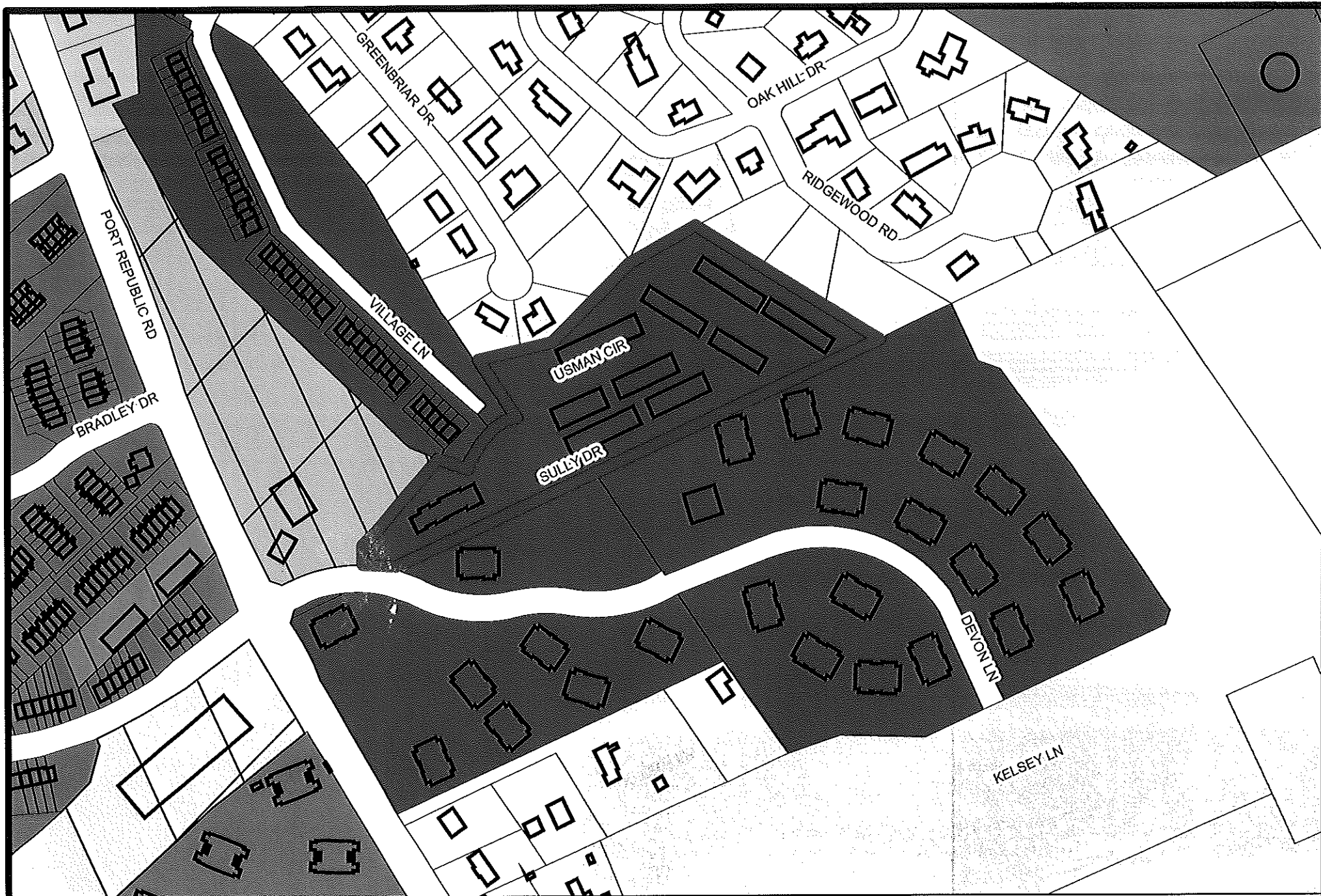
Tax Map: 92-A-2

7.0 +/- acres

**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



# 2011 Forest Hills Manor Master Plan Amendment





# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

May 11, 2011

### REZONING – 2011 FOREST HILLS MANOR MASTER PLAN AMENDMENT

#### GENERAL INFORMATION

**Applicant:** Forest Hills Manor, LLC  
**Tax Map:** 92-A-2  
**Acreage:** 7.0 +/- acres  
**Location:** Devon Lane and Sully Drive (Private Street) and Usman Circle (Private Street)  
**Request:** Consider a request to amend the 2008 approved Forest Hills Manor Master Plan zoned R-4, Planned Unit Residential District.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as High-Density Residential. This designation states that these areas are intended for high-density development, mostly apartment buildings with densities ranging from 12 to 15 dwelling units per acre.

The following land uses are located on and adjacent to the property:

**Site:** Forest Hills Manor apartments, zoned R-4  
**North:** Single family homes within Forest Hills Subdivision, zoned R-1  
**East:** University Fields apartments (previously known as Ashby Crossing), zoned R-4  
**South:** Sections of University Fields apartments, zoned R-4 and the Campus Corner retail center, zoned B-2C  
**West:** Townhomes along Village Lane, zoned R-4 and Single family homes along Greenbriar Drive and Oak Hill Drive, zoned R-1

#### EVALUATION

The owner of Forest Hills Manor apartments, a student housing complex located off of Devon Lane, has submitted a request to amend a 2008 approved 68-unit master plan. In brief, approving the amendment would allow the owner to have two additional units for a total of 70 apartments. The property is served by two, private streets: Sully Drive and Usman Circle. The existing units were developed under the Glenside Master Plan, which was approved in 2003. Although 60 units currently exist, the approved 2008 plan permits a total of 68 units. The master plan process is not a public hearing and requires approval by Planning Commission only.

Last summer, the owner submitted the same amendment request, which was originally reviewed by Planning Commission in July 2010 when the applicant submitted a plan that illustrated 10 units to be built in the same area that had originally been designed to accommodate eight units. They realized that

by utilizing a different design they could build two additional units, thus they submitted the master plan amendment to move ahead with that design. During that review period, the property had non-compliance issues with their existing master plan with unsuitable dumpster screening and other violations including the accumulation of junk, rubbish, and/or garbage and for having tall grass and weeds. The applicant tabled the request for one month to rectify the violations and added detail to their master plan by submitting additional information including landscaping specifics and particulars regarding general property maintenance. During the August review, the application continued to receive negative comments—mostly regarding property upkeep. Ultimately, the applicant withdrew the request.

For the current master plan amendment request, the proposed site layout has not changed from last year's review. The applicant continues proposing to build 10 units on the northwestern side of the property, adjacent to the single family homes fronting Greenbriar Drive. As stated above, the property is currently improved with 60 units and the existing master plan allows the owner to build eight more apartments. Despite the property owner's desire to build the two additional units, they have continued to move forward with the development of the site because they have an approved comprehensive site plan for the construction of their remaining eight units under their approved master plan. The development of that site plan can be seen today as the property is currently under construction. Since the two additional units would be built in the same location, if the master plan is approved as presented, they would be required to submit an amendment to their comprehensive site plan and make the appropriate adjustments to continue moving forward.

The development already exceeds the parking requirements and they would continue to exceed those requirements even if they receive approval to build the two additional units; however, the applicant is proposing to add an additional 13 parking spaces. The request continues provisions of the existing master plan, which includes a six foot solid fence along the northern and northwestern property line and evergreen trees planted adjacent to the fence. No decks or patios will be installed on any of the units that would be adjacent to the single family home neighborhood—a specification that is included on the existing master plan.

Additions to the master plan, specifics that were also included in last year's request, include a bicycle path connecting the subject property to Village Lane townhomes and details concerning property landscaping consisting of additional trees and shrubbery. The additional landscaping should enhance the overall aesthetics of the site. As shown on the site layout, numerous deciduous trees, evergreen trees, and shrubs would be planted. If this request is approved, these improvements would become governing aspects of the master plan, thus the property owner must maintain and/or replace all of the landscaping as illustrated and described; otherwise it would be a violation of the plan and thus, a violation of the Zoning Ordinance.

As briefly mentioned above, even though they have an approved comprehensive site plan for a very similar layout, if this request is approved, they will have to go back through the comprehensive site plan review process for the changes to the site. During this resubmission, the applicant's engineer should make the appropriate grade changes near the rear of units 65-70 for emergency response access as they have already discussed with the Fire Chief. The applicant shall receive approval to make these changes from the adjoining property owners group, of which he is a member.

The proposed master plan change is ultimately increasing its density by only two units, arguably negligible due to the location and because of the existing units in this area of the City. Furthermore, the proposed and existing use is in conformance with the Comprehensive Plan's High Density Residential

land use designation and in compliance with the existing zoning density. Since the original submission of this application last year, not only does the property look significantly better but the details of the master plan have improved with the property owner's self-imposed responsibilities. Staff believes the property owner has made noteworthy efforts to improve their site and believes this master plan has more teeth for enforcement to ensure the property is kept in good condition. Staff recommends in favor of the master plan amendment.



## April 2011 Proactive-Zoning Report

For the month of April 2011 the proactive-zoning program targeted the **Pleasant Hill** section of the city. During the proactive inspections a total of **nineteen violations** were found. This was an increase in the number of violations from both the first and second 3-year cycles as noted in the chart below. The violations consisted of inoperable vehicles and discarded materials.

MONTH	SECTOR	VIOLATIONS	CORRECTED	1 <sup>st</sup> CYCLE	2 <sup>nd</sup> CYCLE
December 2008	Wyndham Woods	4	4	2	0
January 2009	Northfield	19	19	21	6
February 2009	Purcell Park	5	5	7	6
March 2009	Parkview	16	16	19	7
April 2009	Northeast	63	63	80	45
May 2009	Ind./Tech Park	0	0	0	1
June 2009	Exit 243	1	1	10	0
July 2009	Fairway Hills	0	0	1	0
August 2009	Smithland Rd.	0	0	0	4
September 2009	N. Main St.	4	4	13	4
October 2009	Liberty St.	18	18	6	4
November 2009	Westover	17	17	18	8
December 2009	Garber's Church	1	1	1	2
January 2010	Spotswood Acres	1	1	6	4
February 2010	Jefferson St.	35	35	26	22
March 2010	Forest Hills/JMU	1	1	6	1
April 2010	S. Main St.	2	2	1	0
May 2010	Hillandale	17	17	7	5
June 2010	Maplehurst/JMU	2	2	6	5
July 2010	Long Ave/Norwood	17	17	12	28
August 2010	Greystone	13	13	13	10
September 2010	Greendale/SE	5	5	3	2
October 2010	Ramblewood	1	1	4	8
November 2010	Stone Spring Village/JMU	0	0	2	10
December 2010	Sunset Heights	10	10	7	29
January 2011	Reherd Acres	9	9	10	12
February 2011	RT 33 West	6	6	0	16
March 2011	Chicago Ave	29	25	16	22
April 2011	Pleasant Hill	17	n/a	4	13
May 2011	Avalon Woods			7	26
June 2011	Waterman Elementary			6	61
July 2011	Bluestone Hills & Valley Mall			3	33
August 2011	Keister Elementary			6	5
September 2011	500-600 S. Main			7	30
October 2011	Court Square			0	3
November 2011	Preston Heights			8	3

The proactive-zoning program for May 2011 will be directed towards the enforcement of the Zoning Ordinance in the **Avalon Woods** section of the City.



# Proactive Zoning Map

